

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, March 11, 1982

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

CALL OF THE SENATE

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

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

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	Tennesen
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. Lindgren was excused from the Session of today from 11:30 a.m. to 1:30 p.m. Mr. Frederick was excused from the Session of today from 11:30 a.m. to 12:00 noon. Messrs. Berg, Pillsbury and Sikorski were excused from the Session of today from 12:20 to 1:30 p.m. Mr. Purfeerst was excused from the Session of today from 12:15 to 2:30 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 9, 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
	1574	390	March 9	March 9
233		391	March 9	March 9
1695		392	March 9	March 9

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 412, 1566, 1644, 1670, 1631, 1967, 2048, 2062, 1015, 1591, 1605, 1641, 1853, 1684, 1231 and 1256.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

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. 1621: A bill for an act relating to state government; removing the geographic limitation on state and public employees' eligibility for the state employee transportation program; amending Minnesota Statutes 1981 Supplement, Section 16.756, Subdivision 1a.

Senate File No. 1621 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 1621, 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. 1481: A bill for an act relating to state government; providing a one time early retirement insurance benefit option for certain state employees; amending Minnesota Statutes 1981 Supplement, Section 43A.24, Subdivision 2.

Senate File No. 1481 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Peterson, C.C. moved that S.F. No. 1481 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to take up the Calendar immediately. The motion prevailed.

CALENDAR

H.F. No. 612: A bill for an act relating to cable communications; changing the definition of cable communications system; reducing the number of days available to the metropolitan council for review of cable service territory proposals; conforming the certificate of confirmation term to the franchise term; authorizing rules preventing obstruction of service to multiple unit dwellings; providing to municipalities the option concerning cable service rates information included in a franchise; amending Minnesota Statutes 1980, Sections 238.02, Subdivision 3; 238.03; 238.05, Subdivision 7, and by adding a subdivision; 238.09, Subdivisions 6 and 7, and by adding a subdivision; Section 238.12, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1698: A bill for an act relating to education; removing the requirement of commissioner of education's approval when the proceeds of the capital expenditure levy are used to rent or lease buildings for school purposes; removing general procedures requiring and governing commissioner of education's approval of contracts for rental of school rooms, buildings or other facilities; amending Minnesota Statutes 1980, Section 123.78, Subdivision 1; Minnesota Statutes 1981 Supplement, Section 275.125, Subdivision 11a; repealing Minnesota Statutes 1980, Section 123.37, Subdivisions 3 to 14.

Mr. Knutson moved that S.F. No. 1698 be stricken from the Calendar and returned to the Committee on Education. The motion prevailed.

H.F. No. 1897: A bill for an act relating to 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 the state agricultural society; amending Minnesota Statutes 1980, Sections 37.01; 37.04, Subdivision 3; 37.05; 37.06; 37.17, Subdivisions 1, 2, and by adding a subdivision; 37.18; 37.19; 37.20; 37.21; 37.22; 177.23, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 28A; repealing Minnesota Statutes 1980, Section 37.23; Minnesota Statutes 1981 Supplement, Sections 37.17, Subdivision 3; and 37.27.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1625: A bill for an act relating to retirement; public employees retirement association; changing the reduction factors for early retirement; amending Minnesota Statutes 1980, Section 353.30, Subdivisions 1 and 1a; Minnesota Statutes 1981 Supplement, Section 353.30, Subdivision 1c; repealing Minnesota Statutes 1980, Section 353.30, Subdivision 1b.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Belanger	Hughes	Luther	Peterson, D.L.	Stokowski
Benson	Humphrey	Menning	Purfeerst	Stumpf
Berglin	Johnson	Moe, R. D.	Setzepfandt	Ulland
Chmielewski	Kroening	Nelson	Sieloff	Vega
Davis	Kronebusch	Olhoft	Sikorski	Wegener
Dicklich	Langseth	Pehler	Solon	Willet
Engler	Lantry	Penny	Spear	
Frank	Lessard	Peterson, C.C.	Stern	

Those who voted in the negative were:

Ashbach	Brataas	Kamrath	Peterson, R. W.	Rued
Bang	Dahl	Knoll	Petty	Schmitz
Berg	Davies	Knutson	Pillsbury	Taylor
Bernhagen	Dieterich	Merriam	Ramstad	Tennessee
Bertram	Frederickson	Moe, D. M.	Renneke	Waldorf

So the bill passed and its title was agreed to.

H.F. No. 1455: A bill for an act relating to real estate brokers and salespersons; providing for the automatic transfer of a salesperson's license under certain circumstances; amending Minnesota Statutes 1980, Section 82.20, Subdivision 9.

With the unanimous consent of the Senate, Mr. Merriam moved that the amendment made to H.F. No. 1455 by the Committee on Rules and Administration in the report adopted March 5, 1982, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1455 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2156: A bill for an act relating to education; authorizing the state university board to lease land on Mankato state university campus; permitting Mankato state university to lease a building; transferring title for a building to the state; proposing new law coded in Minnesota Statutes, Chapter 136.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1579: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Brainerd.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1993: A bill for an act relating to intoxicating liquor; veteran's organization licenses in first class cities; amending Minnesota Statutes 1980, Section 340.11, Subdivision 11.

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 59 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Menning; Olhoft; Peterson, C. C. and Renneke voted in the nega-

tive.

So the bill passed and its title was agreed to.

H.F. No. 685: A bill for an act relating to crimes; providing photographic records of evidence shall be admissible as evidence; providing for the return of stolen property; proposing new law coded in Minnesota Statutes, Chapter 609.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1738: A bill for an act relating to crimes; prohibiting possession of obscene works appealing to pedophiles; prescribing penalties; amending Minnesota Statutes 1980, Section 617.246, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 617.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1743: A bill for an act relating to courts; authorizing courts to obtain the presence of persons confined in state institutions for court appearances; proposing new law coded in Minnesota Statutes, Chapter 589.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1803: A bill for an act relating to juveniles; providing for termination of jurisdiction over juveniles; providing for the apprehension of juvenile absconders and escapees; amending Minnesota Statutes 1980, Sections 242.19; 260.181, Subdivision 4; and Minnesota Statutes 1981 Supplement, Sections 4.12, by adding subdivisions; and 242.44.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1451: A bill for an act relating to metropolitan government; providing for the establishment and operation of a water planning and management program in the metropolitan area; requiring watershed and local water management plans; providing for the establishment and operation of watershed management organizations; establishing provision for the event that grant funding is not received for the North Koochiching area sanitary district; authorizing counties, cities, and towns to bond for certain watershed improvements; authorizing taxes; amending Minnesota Statutes 1980, Sections 112.35, by adding a subdivision; 112.37, Subdivision 1, and by adding a subdivision; 112.42, Subdivision 3 and by adding a subdivision; 112.43, by adding a subdivision; Laws 1981, Chapter 291, Section 2, Subdivisions 1, 2, and by adding subdivisions; 4, Subdivision 1; 5, Subdivision 2; 7; 8, Subdivi-

sions 1, 2, and by adding a subdivision; and 24; proposing new law coded in Minnesota Statutes, Chapter 473.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1699: A bill for an act relating to education; requiring all public elementary and secondary schools to provide instructional programs in chemical abuse; amending Minnesota Statutes 1980, Section 126.03; and proposing new law coded in Chapter 126.

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 40 and nays 18, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Luther	Peterson, D. L.	Stern
Berglin	Hanson	Merriam	Peterson, R. W.	Stokowski
Brataas	Hughes	Moe, D. M.	Petty	Taylor
Dahl	Humphrey	Moe, R. D.	Ramstad	Tennessen
Davies	Knoll	Nelson	Rued	Ulland
Davis	Kroening	Pehler	Setzepfandt	Vega
Dicklich	Langseth	Penny	Solon	Wegener
Dieterich	Lantry	Peterson, C. C.	Spear	Willet

Those who voted in the negative were:

Ashbach	Bertram	Frederickson	Lessard	Schmitz
Bang	Chmielewski	Kamrath	Menning	Waldorf
Benson	Engler	Knutson	Olhoft	
Bernhagen	Frederick	Kronebusch	Renneke	

So the bill passed and its title was agreed to.

H.F. No. 1799: A bill for an act relating to health; providing for evaluation of certain changes in certificate of need review; requiring certain price information to be reported and disseminated; requiring monitoring; amending the thresholds of review; providing for additional waivers; requiring reports; amending Minnesota Statutes 1980, Sections 145.833, Subdivision 5; 145.835, Subdivisions 3 and 4; Minnesota Statutes 1981 Supplement, Sections 250.05, Subdivision 4; 447.45, Subdivision 1; and 474.03; proposing

new law coded in Minnesota Statutes, Chapter 144; repealing Minnesota Statutes 1980, Sections 145.832 to 145.845, as amended; and Minnesota Statutes 1981 Supplement, Sections 62D.22, Subdivision 6; 145.834; and 145.845.

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 11, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Kronebusch	Penny	Tennessen
Bang	Frederick	Langseth	Peterson, D.L.	Ulland
Belanger	Frederickson	Lantry	Petty	Vega
Benson	Hanson	Lessard	Ramstad	Waldorf
Bernhagen	Hughes	Luther	Renneke	Wegener
Bertram	Humphrey	Menning	Rued	Willet
Brataas	Kamrath	Moe, R. D.	Solon	
Chmielewski	Knoll	Nelson	Stern	
Davis	Knutson	Olhoft	Stokowski	
Engler	Kroening	Pehler	Taylor	

Those who voted in the negative were:

Berglin	Dicklich	Merriam	Peterson, C.C.	Setzepfandt
Dahl	Dieterich	Moe, D. M.	Peterson, R.W.	Spear
Davies				

So the bill passed and its title was agreed to.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1443: A bill for an act relating to agriculture; prohibiting the trafficking in skunks; setting a penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

Senate File No. 1443 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Setzepfandt moved that the Senate do not concur in the amendments by the House to S. F. No. 1443, 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 concur-

rence of the Senate is respectfully requested:

S.F. No. 1539: A bill for an act relating to state collective bargaining units; adopting a modified unit composition schedule for state employees; amending Minnesota Statutes 1980, Section 179.741, Subdivision 1; and Minnesota Statutes 1981 Supplement, Section 179.74, Subdivision 4.

Senate File No. 1539 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

CONCURRENCE AND REPASSAGE

Mr. Setzepfandt moved that the Senate concur in the amendments by the House to S.F. No. 1539 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1539: A bill for an act relating to state collective bargaining units; adopting a modified unit composition schedule for state employees; excluding certain employees from collective bargaining and providing other means of compensation; amending Minnesota Statutes 1980, Section 179.741, Subdivision 1; and Minnesota Statutes 1981 Supplement, Section 179.74, Subdivision 4.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 85: A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, by adding a subdivision.

Senate File No. 85 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

CONCURRENCE AND REPASSAGE

Mr. Setzepfandt moved that the Senate concur in the amendments by the House to S.F. No. 85 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 85: A bill for an act relating to towns; providing for election of town supervisors; amending Minnesota Statutes 1980, Section 367.03, Subdivision 2.

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

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Penny	Stokowski
Bang	Engler	Langseth	Peterson, D. L.	Taylor
Belanger	Frank	Lantry	Peterson, R. W.	Tennessen
Benson	Frederick	Lessard	Petty	Ulland
Bernhagen	Frederickson	Luther	Ramstad	Vega
Bertram	Hanson	Menning	Renneke	Waldorf
Brataas	Hughes	Merriam	Rued	Wegener
Chmielewski	Humphrey	Moe, D. M.	Schmitz	Willet
Dahl	Kamrath	Moe, R. D.	Setzepfandt	
Davies	Knoll	Nelson	Solon	
Davis	Knutson	Olhoft	Spear	
Dicklich	Kroening	Pehler	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. 1821: A bill for an act relating to community corrections; clarifying and harmonizing the provisions of Minnesota Statutes relating to the administrative structure of participating counties, the composition of the corrections advisory board, the powers of probation officers, and the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1980, Sections 401.01, Subdivision 2; 401.02, Subdivisions 1, 3, and 4; 401.06; 401.08, Subdivisions 1 and 2; and 401.13.

Senate File No. 1821 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Renneke moved that the Senate do not concur in the amendments by the House to S.F. No. 1821, 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. 1677: A bill for an act relating to municipal planning and zoning; prohibiting exclusion of manufactured homes and other types of single family dwellings; amending Minnesota Statutes 1980, Sections 394.25, Subdivision 3; and 462.357, Subdivision 1.

Senate File No. 1677 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 1677 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1677: A bill for an act relating to local government; changing municipal and county planning and zoning laws; prohibiting exclusion of manufactured homes and other types of single family dwellings; amending Minnesota Statutes 1980, Sections 394.25, Subdivision 3; and 462.357, Subdivision 1.

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

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

The roll was called, and there were yeas 46 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Olhoft	Tennessen
Bang	Dieterich	Kronebusch	Pehler	Ulland
Belanger	Frank	Langseth	Peterson, R. W.	Vega
Benson	Frederick	Lantry	Petty	Waldorf
Bertram	Hanson	Lessard	Rued	Wegener
Brataas	Hughes	Luther	Schmitz	Willet
Chmielewski	Humphrey	Merriam	Solon	
Dahl	Kamrath	Moe, D. M.	Spear	
Davies	Knoll	Moe, R. D.	Stern	
Davis	Knutson	Nelson	Stokowski	

Those who voted in the negative were:

Bernhagen	Frederickson	Penny	Ramstad	Taylor
Engler	Menning	Peterson, D. L.	Renneke	

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. 1522: A bill for an act relating to local government; changing the filing of the bond of the town clerk and the town treasurer; permitting towns to self insure in the same way as other political subdivisions; authorizing certain towns to exercise special powers by affirmative vote of the town electors; requiring notice; authorizing towns to plan; providing for standards and criteria for conditional uses and variances; authorizing the establishment of a board for planning in certain areas; authorizing governmental units to provide services for other governmental units; amending Minnesota Statutes 1980, Sections 367.10; 367.15; 368.01; Subdivisions 1, 30, and by adding subdivisions; 462.352, Subdivision 2; 462.357, Subdivision 6; 462.358, Subdivision 1a; 462.36, Subdivision 1; 471.59, by adding a subdivision; and 471.98, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 462.

Senate File No. 1522 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Wegener moved that the Senate do not concur in the amendments by the House to S.F. No. 1522, 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. 1691: A bill for an act relating to housing and redevelopment authorities; clarifying the need for a conflict of interest disclosure statement; amending the method of determining a quorum when a conflict of interest exists; providing penalties; amending Minnesota Statutes 1981 Supplement, Section 462.432, Subdivisions 1 and 2.

Senate File No. 1691 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

CONCURRENCE AND REPASSAGE

Mr. Petty moved that the Senate concur in the amendments by the House to S.F. No. 1691 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1691: A bill for an act relating to housing and redevelopment authorities; clarifying the need for a conflict of interest disclosure statement;

amending the method of determining a quorum when a conflict of interest exists; providing for membership on the Duluth housing and redevelopment authority; providing penalties; granting powers to authorities created pursuant to special laws; amending Minnesota Statutes 1980, Section 462.445, by adding a subdivision; amending Minnesota Statutes 1981 Supplement, Section 462.432, Subdivisions 1 and 2.

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

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

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1702: A bill for an act relating to corrections; authorizing the appointment of internal security investigators for adult correctional facilities in the unclassified civil service; clarifying the "good time" and solitary confinement provisions relating to county jails; amending Minnesota Statutes 1980, Sections 241.01, Subdivision 3a; 641.09; and 643.29, Subdivision 1.

Senate File No. 1702 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Knutson moved that the Senate do not concur in the amendments by the House to S.F. No. 1702, 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. 1840: A bill for an act relating to commerce; providing for a determination of when certain property held by a financial institution or business organization is presumed abandoned; amending Minnesota Statutes 1980, Sections 345.32, as amended; and 345.39, as amended.

Senate File No. 1840 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

CONCURRENCE AND REPASSAGE

Mr. Tennesen moved that the Senate concur in the amendments by the House to S.F. No. 1840 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1840: A bill for an act relating to commerce; providing an alternative distribution of assets following voluntary dissolution of a cooperative association; providing for a determination of when certain property held by a financial institution or business organization is presumed abandoned; amending Minnesota Statutes 1980, Sections 308.14, by adding a subdivision; 345.32, as amended; and 345.39, as amended.

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

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

The roll was called, and there were yeas 47 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Pehler	Solon
Bang	Engler	Langseth	Penny	Spear
Belanger	Frank	Lantry	Peterson, C. C.	Stern
Benson	Frederick	Luther	Peterson, D. L.	Stokowski
Bernhagen	Frederickson	Menning	Peterson, R. W.	Taylor
Bertram	Hughes	Merriam	Petty	Tennesen
Brataas	Humphrey	Moe, D. M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R. D.	Renneke	
Davies	Knutson	Nelson	Rued	
Davis	Kroening	Olhoft	Schmitz	

Messrs. Chmielewski, Dieterich, Vega and Willet voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 1758: A bill for an act relating to crimes; prohibiting conspiracies to violate controlled substances laws; clarifying the crime of escape from jail; prescribing penalties; amending Minnesota Statutes 1980, Section 609.485, Subdivision 3; proposing new law coded in Minnesota Statutes 1980, Chapter 152.

Senate File No. 1758 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Hanson moved that the Senate do not concur in the amendments by the House to S. F. No. 1758, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce 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. 2000: A bill for an act relating to the city of Brooklyn Center; authorizing the Brooklyn Center housing and redevelopment authority to carry out a housing interest buy-down program.

Senate File No. 2000 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Luther moved that the Senate do not concur in the amendments by the House to S. F. No. 2000, 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 that the House wishes to recall for the purpose of further consideration House File No. 1840.

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.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 10, 1982

Mr. Penny moved that the Message on H.F. No. 1840 be laid on the table. 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. 1573:

H.F. No. 1573: A bill for an act relating to crimes; prohibiting the manufacture, sale, transfer and delivery of simulated controlled substances; prohibiting their manufacture, sale, transfer and delivery; providing penalties; amending Minnesota Statutes 1980, Sections 152.09, Subdivision 1; 152.15, by adding a subdivision; proposing new law coded in Minnesota Statutes,

Chapter 152.

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

Swanson, Vanasek and Reif have been appointed as such committee on the part of the House.

House File No. 1573 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. Frank moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1573, 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. 2136:

H.F. No. 2136: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; fixing the boundaries of state parks and trails; appropriating money; amending Minnesota Statutes 1980, Sections 16.826; 85.015, Subdivisions 8 and 13; 86.72, Subdivision 1; 121.21, Subdivision 4a; proposing new law coded in Minnesota Statutes, Chapter 84.

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

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

House File No. 2136 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. Willet moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2136, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 438:

H.F. No. 438: A bill for an act relating to retirement; authorizing certain persons in various retirement funds to purchase prior service credit and military service credit; authorizing an amendment to the articles of incorporation of the

Minneapolis teachers retirement fund association; allowing a surviving spouse to elect a joint and survivor annuity under certain circumstances; amending Minnesota Statutes 1981 Supplement, Section 354.46, Subdivision 2.

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

Sarna, Kaley, Reding, Rice and Rodriguez, F. have been appointed as such committee on the part of the House.

House File No. 438 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. Peterson, C.C. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 438, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1727, 352 and 1176.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 10, 1982

FIRST READING OF HOUSE BILLS

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

H.F. No. 1727: A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, Article VI, Sections 1, 2, 5 and 6; providing for a court of appeals; providing for election of judges; conferring certain powers and duties on the court of appeals; amending Minnesota Statutes 1980, Sections 480.01; 484.63; 487.39, Subdivisions 1 and 2; 488A.01, Subdivision 14; and Minnesota Statutes 1981 Supplement, Sections 204B.06, Subdivision 6; 204B.34, Subdivision 3; proposing new law coded as Minnesota Statutes, Chapters 480A; and 632; repealing Minnesota Statutes 1980, Sections 80A.24, Subdivision 3; 363.10; 473.597; and 525.74.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1669.

H.F. No. 352: A bill for an act relating to crimes; establishing classifications for the crime of burglary; prescribing penalties for burglary offenses; affirming the right of victims to bring actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; requiring criminal justice agencies to inform victims of financial assistance and social services; providing for minimal victim participation in the criminal process; providing penalties; amending Minnesota

Statutes 1980, Sections 241.26, Subdivisions 5 and 6; 243.23, Subdivision 3; 571.55, by adding a subdivision; 609.115; 609.498; and 631.425, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapters 609 and 611A; repealing Minnesota Statutes 1980, Section 609.58.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1175, now on Special Orders.

H.F. No. 1176: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; authorizing rewards for information on violations; providing for pipeline testing; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116.03, Subdivision 3; 466.01, by adding a subdivision; and 466.04, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 115B; proposing new law coded in Minnesota Statutes, Chapter 116.

Mr. Merriam moved that H.F. No. 1176 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

S.F. No. 579: A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1980, Sections 245.782, Subdivision 2; 245.783, by adding a subdivision; 245.791; 256B.02, Subdivision 7; and Minnesota Statutes 1981 Supplement, Section 256B.02, Subdivision 8, as amended.

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

Page 1, after line 9, insert:

“Section 1. Minnesota Statutes 1980, Section 144A.01, Subdivision 7, is amended to read:

Subd. 7. “Uncorrected violation” means (a) a violation of a statute or rule or any other deficiency for which a notice of noncompliance has been issued and fine assessed *and allowed to be recovered* pursuant to section 144A.10, subdivision 6, or (b) *the issuance of two or more correction orders, within a 12 month period, for a violation of the same provision of a statute or rule.*

Sec. 2. Minnesota Statutes 1980, Section 144A.04, Subdivision 4, is amended to read:

Subd. 4. The controlling persons of a nursing home may not include any person who was a controlling person of another nursing home during any period of time in the previous two year period:

(a) during which time of control that other nursing home incurred the following number of uncorrected violations ~~for which violations a fine was assessed and allowed to be recovered:~~

~~(a) (1)~~ (1) two or more uncorrected violations which created an imminent risk of ~~harm to a nursing home resident to direct resident care or safety;~~ or

~~(b) Ten~~ (2) five or more uncorrected violations of any nature *for which the fines are in the two highest daily fine categories prescribed in rule;* or

(b) *who was convicted of a felony that relates to operation of the nursing home or directly affects resident safety or care, during that period.*

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions related to the operation of the nursing home which incurred the uncorrected violations.

Sec. 3. Minnesota Statutes 1980, Section 144A.04, Subdivision 6, is amended to read:

Subd. 6. A nursing home may not employ as a managerial employee or as its licensed administrator any person who was a managerial employee or the licensed administrator of another facility during any period of time in the previous two year period:

(a) during which time of employment that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the administrator ~~and for which violations a fine was assessed and allowed to be recovered:~~

~~(a) (1)~~ (1) two or more uncorrected violations which created an imminent risk of ~~harm to a nursing home resident to direct resident care or safety;~~ or

~~(b) Ten~~ (2) five or more uncorrected violations of any nature *for which the fines are in the two highest daily fine categories prescribed in rule;* or

(b) *who was convicted of a felony that relates to operation of the nursing home or directly affects resident safety or care, during that period.*

Sec. 4. Minnesota Statutes 1980, Section 144A.08, Subdivision 3, is amended to read:

Subd. 3. [PENALTY.] Any controlling person who establishes, conducts, manages or operates a nursing home which incurs the following number of uncorrected violations, in any two year period; ~~for which violations a fine was assessed and allowed to be recovered:~~

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) ~~Ten~~ Five or more uncorrected violations of any nature, is guilty of a misdemeanor.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected violations.

Sec. 5. Minnesota Statutes 1980, Section 144A.10, Subdivision 4, is amended to read:

Subd. 4. [CORRECTION ORDERS.] Whenever a duly authorized repre-

sentative of the commissioner of health finds upon inspection of a nursing home, that the facility or a controlling person or an employee of the facility is not in compliance with sections 144.651, 144A.01 to 144A.17, or 626.557 or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, state the suggested method of correction, and specify the time allowed for correction. The commissioner of health by rule shall establish a schedule of allowable time periods for correction of nursing home deficiencies. *If the commissioner finds that the nursing home had uncorrected violations and that two or more of the uncorrected violations create a risk to resident care, safety, or rights, the commissioner shall notify the commissioner of public welfare who shall review reimbursement to the nursing home to determine the extent to which the state has paid for substandard care.*

Sec. 6. Minnesota Statutes 1980, Section 144A.11, Subdivision 2, is amended to read:

Subd. 2. [MANDATORY PROCEEDINGS.] The commissioner of health shall initiate proceedings to suspend or revoke a nursing home license or shall refuse to renew a license if within the preceding two years:

The nursing home has incurred the following number of uncorrected violations for which violations a fine was assessed and allowed to be recovered:

~~(a)~~ (1) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident to direct resident care or safety, violated the patients' bill of rights, section 144.651, or violated the vulnerable adults reporting act, section 626.557; or

~~(b)~~ Ten (2) Five or more uncorrected violations of any nature for which the fines are in the two highest daily fine categories prescribed in rule.

Sec. 7. Minnesota Statutes 1980, Section 144A.11, is amended by adding a subdivision to read:

Subd. 3a. [MANDATORY REVOCATION.] Notwithstanding the provisions of subdivision 3, the commissioner shall revoke a nursing home license if a controlling person is convicted of a felony that relates to operation of the nursing home or directly affects resident safety or care. The commissioner shall notify the nursing home 30 days in advance of the date of revocation."

Page 1, line 24, delete "1980" and insert "1981 Supplement"

Page 2, line 1, delete the stricken "245.813" and delete the underlining from "245.812"

Page 2, line 19, delete "245.813" and insert "245.812"

Page 6, line 27, delete "may" and insert "shall"

Page 6, line 28, delete "1 to 6" and insert "8 to 13"

Page 6, line 32, delete "6" and insert "13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "public welfare" and insert "care for the elderly"

Page 1, line 2, after the semicolon, insert "strengthening qualifications for

persons controlling, administering, or managing nursing homes; requiring review of reimbursement for substandard care; requiring license revocation for substandard care;"

Page 1, line 3, after the semicolon, insert "revising a penalty;"

Page 1, line 4, after "Sections" insert "144A.01, Subdivision 7; 144A.04, Subdivisions 4 and 6; 144A.08, Subdivision 3; 144A.10, Subdivision 4; 144A.11, Subdivision 2, and by adding a subdivision;"

Page 1, line 5, delete "245.791;"

Page 1, line 6, delete "and" and delete "Section" and insert "Sections 245.791; and"

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. 1460: 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; exempting from the motor vehicle excise tax certain purchasers of motorized bicycles for resale; establishing an advisory committee on motorcycle safety; prescribing duties of the commissioners of public safety and education; establishing a fund; making a standard appropriation; amending Minnesota Statutes 1980, Sections 171.06, by adding a subdivision; 297B.035, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 126.

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

Page 1, line 24, before the period, insert "*; provided that any fee receipts in excess of \$300,000 in a fiscal year shall be credited 90 percent to the trunk highway fund and ten percent to the general fund, as provided in section 171.26*"

Page 2, delete lines 10 to 16

Page 2, line 17, delete "*Subd. 2.*" and insert "*Subdivision 1.*"

Page 2, lines 20 and 21, delete "*with the advice of the advisory committee on motorcycle safety*"

Page 2, line 26, delete "3" and insert "2"

Page 2, line 35, delete "4" and insert "3"

Page 3, lines 2, 5, and 8, delete "*2 and 3*" and insert "*1 and 2*"

Amend the title as follows:

Page 1, lines 7 and 8, delete "establishing an advisory committee on motorcycle safety;"

Page 1, lines 10 and 11, delete "making a standard appropriation" and insert "appropriating money"

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 under Rule 35, together with the committee report thereon,

S.F. No. 1556: A bill for an act relating to public safety; prohibiting the sale, use, manufacture and possession of high penetration bullets; prohibiting the sale and possession of armor-piercing bullets; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 624.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 5, 1982, be adopted; that committee recommendation being

“the bill be amended 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 under Rule 35, together with the committee report thereon,

S.F. No. 1891: A bill for an act relating to real property; providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property during an emergency declared by the governor; authorizing the governor to declare by proclamation a public economic emergency under certain conditions, limiting its duration, and providing nullifying powers in the legislature; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period; and limiting the right to maintain actions for deficiency judgments; proposing new law coded as Minnesota Statutes, Chapter 582A.

Reports the same back with the recommendation that the report from the Committee on Commerce, shown in the Journal for March 8, 1982, be adopted; that committee recommendation being

“the bill be amended 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 re-referred

S.F. No. 862: A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, Section 5; providing for the improvement and rehabilitation of certain railroad facilities.

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

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

S.F. No. 1669: A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, Article VI, Sections 1, 2, 5 and 6; and Article VIII, Section 2; providing for a court of appeals; providing for election of judges; conferring certain powers and duties on the court of appeals; amending Minnesota Statutes 1980, Sections 480.01; 484.63; 487.39, Subdivisions 1 and 2; 488A.01, Subdivision 14; and Minnesota Statutes 1981 Supplement, Sections 204B.06, Subdivision 6; 204B.34, Subdivision 3; proposing new law coded as Minnesota Statutes, Chapters 480A and 632; repealing Minnesota Statutes 1980, Sections 80A.24, Subdivision 3; 363.10; 473.597; and 525.74.

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

Page 2, line 15, after "*temporarily*" insert "*by the supreme court*"

Page 2, line 16, delete "*upon its request*"

Pages 17 and 18, delete section 28

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. 1840 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1840	1712				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1840 be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 32, and Laws 1981, Third Special Session Chapter 3, Section 17, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance, or a woman who is pregnant, as medically verified, and who would be eligible for assistance under the aid to families with dependent children program if the child had been born and living with the woman; 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 80 contiguous acres in unplatted land. ~~Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07.~~

If the owner ceases to occupy the homestead for more than 24 continuous months due to admission into a hospital or nursing home, and no spouse or child who is under age 21 or is blind or disabled occupies the homestead during the owner's absence, the owner shall be deemed to have abandoned the homestead. If the owner or his legal representative files a notice with the county recorder before the 24 month period expires, the owner shall not be deemed to have abandoned the homestead for an additional 24 months from the date of filing. The notice must be executed, witnessed, and acknowledged as in the case of a deed, describe the premises and claim them as his homestead. The local welfare agency shall notify the owner or his legal representative of this option to file notice and shall provide information and any assistance the owner needs to file the notice properly. When the second 24 month period expires, the owner shall be deemed to have abandoned the homestead. 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. 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.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 256B.15, is amended to read:

256B.15 [CLAIMS AGAINST ESTATES.]

If a person receives any medical assistance ~~hereunder~~ *under this chapter*, on his death, ~~if he is single, or on the death of the person and his surviving spouse, if he is married, and only at a time when he has no~~ *unless there is (a) a surviving spouse or (b) a surviving child who is under 21 or is blind or totally disabled*, the total amount paid for medical assistance ~~rendered~~ for the person, after age 65, without interest, shall be filed as a claim against the *person's estate of the person* in the court having jurisdiction to probate the estate. The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assistance ~~granted hereunder~~ shall not apply to any claim made ~~hereunder~~ for reimbursement for ~~any medical assistance granted hereunder~~ *under this section*. Counties may retain one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort."

Page 1, line 15, delete "filed pursuant to" and insert "arising under"

Page 1, line 15, after "256B.15" insert a comma

Page 2, line 32, after "death" reinstate the stricken semicolon

Page 3, delete lines 6 and 7 and insert:

"This act is effective the day following final enactment for all medical

assistance granted after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "payment of"

Page 1, line 4, after the semicolon insert "specifying abandonment of homestead for medical assistance;"

Page 1, line 6, delete "Section" and insert "Sections 256B.06, Subdivision 1, as amended; 256B.15 and"

And when so amended H.F. No. 1840 will be identical to S.F. No. 1712, and further recommends that H.F. No. 1840 be given its second reading and substituted for S.F. No. 1712, 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. 1115 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1115	1839				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1115 be amended as follows:

Page 1, line 20, after "174.27" insert "to"

Page 2, lines 4 and 6, delete the first "to"

Page 2, line 8, delete "*where such activities are cost-effective, to*"

Page 2, line 9, delete "to"

Page 2, line 10, after "use" insert "*where such activities are cost effective*"

Page 2, line 11, delete the first "to"

Page 2, line 13, delete "*consistent with the above objectives, to*"

Page 2, line 14, before the period insert "*to the extent they are consistent with the other objectives stated above*"

Page 2, delete line 18

Page 2, line 19, delete everything before "*provided*" and insert "*trans-
portation service*"

Page 2, line 19, before the period insert "*but does not include elderly and handicapped service, as defined in subdivision 13 of this section, provided by that transit authority*"

Page 2, line 20, delete everything after "a" and insert " *transportation service*"

Page 2, delete line 21

Page 2, line 22, delete "except"

Page 2, line 23, delete "for" and insert "but does not include"

Page 2, line 23, after "commission" insert a comma

Page 2, line 24, delete everything after "174.22" and insert " *, subdivision 4, or elderly and handicapped service, as defined in subdivision 13 of this section*"

Page 2, line 25, delete everything before the period

Page 2, line 26, after "a" insert "transportation"

Page 2, line 28, after "a" insert "transportation"

Page 2, line 31, after "means" insert "transportation"

Page 2, line 32, after "urbanized" insert "or large urbanized"

Page 3, line 3, after "Subd. 7." insert "[RULEMAKING; TOTAL OPERATING COST.]"

Page 3, after line 12, insert:

"Sec. 4. Minnesota Statutes 1980, Section 174.23, is amended by adding a subdivision to read:

Subd. 8. [PROGRAM ADMINISTRATION.] The commissioner shall assign the administration of the programs set forth in sections 174.21 to 174.27 to a single division within the department of transportation."

Page 3, after line 22, insert:

"Sec. 6. Minnesota Statutes 1980, Section 174.24, Subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY; APPLICATIONS.] Any legislatively established public transit commission or authority, any county or statutory or home rule charter city providing financial assistance to or operating public transit, any private operator of public transit, or any combination thereof is eligible to receive financial assistance through the public transit ~~subsidy~~ participation program."

Page 3, line 34, after "assistance" insert a comma

Page 4, line 1, after "determine" insert "total operating cost and correspondingly"

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

Page 4, line 11, after "system" begin a new paragraph

Page 4, line 14, after "district" insert a comma

Page 4, line 18, after "standards" insert "and operating deficit"

Page 4, line 19, before the period insert "as determined by the commissioner"

Page 4, line 32, delete everything after "service"

Page 4, line 33, delete everything before the comma

Page 4, line 33, after "urbanized" insert "area service"

Page 4, line 34, after "rural" insert "area"

Page 5, line 5, delete "this" and insert "the"

Page 5, line 5, after "total" insert "assistance"

Page 5, line 7, after the period begin a new paragraph

Page 5, line 12, after "hardship" insert a comma

Page 5, line 20, delete "he" and insert ", the commissioner"

Page 5, delete section 6

Page 6, line 3, before "PAYMENT" insert "METHOD OF"

Page 8, line 4, delete "6, 7, 8 and 9" and insert "3, 4, 8, 9, and 10"

Page 8, line 5, delete "3, 4 and 5" and insert "5, 6, and 7"

Renumber the sections in sequence

Amend the title as follows:

Delete lines 2 through 13 and insert:

"relating to transportation; modifying the purpose of certain programs relating to public transit assistance and transportation management; defining certain terms applicable to certain public transit assistance and transportation management programs; requiring the commissioner of transportation to define by rule total operating cost; providing for the administration of certain programs; providing for the distribution of assistance under the public transit participation program; changing eligibility requirements for replacement transit service; amending Minnesota Statutes 1980, Section 174.21; 174.22, by adding subdivisions; 174.23, by adding subdivisions; 174.24, Subdivisions 1, 2, and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 174.24, Subdivision 3; and 174.265, Subdivision 4; repealing Minnesota Statutes 1980, Sections 174.25 and 174.26."

And when so amended H.F. No. 1115 will be identical to S.F. No. 1839, and further recommends that H.F. No. 1115 be given its second reading and substituted for S.F. No. 1839, 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. 1477 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1477	1450				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1477 be amended as follows:

Delete page 2, line 24 to page 3, line 30, and insert:

“84.83 [DISPOSITION OF RECEIPTS.]

Fees from registration of snowmobiles shall be deposited ~~with the state treasurer to the credit of the general~~ in the grant-in-aid snowmobile trail fund. Subject to appropriation by the legislature, the grant-in-aid snowmobile trail fund is available only for expenditure by the commissioner for grants-in-aid to counties and municipalities for construction and maintenance of snowmobile trails and associated administrative costs of the department.

Sec. 4. [FUND TRANSFER.]

The amount of fees collected under section 1 during the biennium ending June 30, 1983, which is attributable to the fee schedule in effect before the enactment of this act shall be transferred from the snowmobile trail fund to the general fund.”

Amend the title as follows:

Page 1, line 2, delete “the”

Page 2, line 3, delete “fee” and insert “fees” and delete “the proceeds thereof for stated” and insert “collections for recreational”

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

Page 1, delete lines 5 and 6

Page 1, line 7, delete “appropriating money;”

And when so amended H.F. No. 1477 will be identical to S.F. No. 1450, and further recommends that H.F. No. 1477 be given its second reading and substituted for S.F. No. 1450, 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. 1939 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1939	1633				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1939 be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 161.117, is amended to read:

161.117 [TRUNK HIGHWAYS; ADDITIONAL ROUTES.]

There may be added by order of the commissioner of transportation to the trunk highway system a new ~~routes~~ route described as follows:

(1) Route No. 380. Beginning at a point on Route No. 390 at its intersection with Shepard Road in the city of St. Paul; thence extending in a northeasterly direction generally following along the course of Shepard Road to a point on Route No. 112; thence extending in a northeasterly direction to a point on Route No. 392 easterly of the downtown area of St. Paul; providing a connector route between Route No. 390 and Route Nos. 112 and 392;

(2) Route No. 382. Beginning at a point on Route No. 390 at its junction with Route No. 111, thence extending in a general northerly direction, ~~within~~ generally along the corridor of the right of way already acquired on May 31, 1975, for Route No. 390, to a point on Short Line Road; thence extending in a northeasterly direction within said corridor of right of way to the intersection of Pleasant Avenue and Kellogg Boulevard in the city of St. Paul."

Page 3, delete lines 2 to 12 and insert:

"Subdivision 1. The commissioner of transportation is ~~authorized to~~ shall construct a four-lane parkway ~~with limited access~~, with necessary auxiliary lanes for on and off ramps, along the right of way of Route No. 382 from West Seventh Street in the city of St. Paul; ~~which parkway may be connected with Route No. 392 by a roadway that is not a controlled access highway as defined in section 160.02 to downtown St. Paul.~~ The parkway shall have a direct connection to interstate Route No. 392. The commissioner shall not construct any highway on Route No. 382 or connection to Route No. 392 other than that described in this subdivision.

Sec. 4. Minnesota Statutes 1980, Section 161.1245, is amended by adding a subdivision to read:

Subd. 2a. No connection of Route No. 382 shall be made to the Short Line Road until a full environmental impact statement is completed by the city of St. Paul to reflect the impact of such a connection."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 7 and insert "relating to transportation; removing a route from the trunk highway system; changing the descriptions of certain trunk highway routes; directing the commissioner of transportation to construct a parkway along a certain route in the city of St. Paul; prohibiting a certain highway connection until a full environmental impact statement is made; amending Minnesota Statutes 1980, Sections 161.117; 161.12; 161.1245, Subdivision 1, and by adding a subdivision."

And when so amended H.F. No. 1939 will be identical to S.F. No. 1633, and further recommends that H.F. No. 1939 be given its second reading and substituted for S.F. No. 1633, 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. 1702 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1702	1897				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1702 be amended as follows:

Page 1, line 10, delete "homes" and insert "home"

Page 1, line 11, delete "funds" and insert "appropriations"

And when so amended H.F. No. 1702 will be identical to S.F. No. 1897, and further recommends that H.F. No. 1702 be given its second reading and substituted for S.F. No. 1897, 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. 1789 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1789	1714

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. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 8, 1982:

BOARD OF ANIMAL HEALTH

Kenneth E. Neeser

MINNESOTA WATER RESOURCES BOARD

Duane R. Ekman

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

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which were referred the following appointments as reported in the Journal for February 15, 1982:

CONFIRMATION

STATE SOIL AND WATER CONSERVATION BOARD

Glen L. Brown
William H. Bryson
Walfred Bernhardson
Russell L. Ruud

BOARD OF ANIMAL HEALTH

C.H. Contag

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

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

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

S.F. No. 1962: A bill for an act relating to agriculture; providing for the regulation of grain storage warehouse operators; changing certain fee provisions; providing penalties; appropriating money; amending Minnesota Statutes 1980, Section 236.02; Minnesota Statutes 1981 Supplement, Sections 231.16; and 233.08; proposing new law coded in Minnesota Statutes, Chapter 232; repealing Minnesota Statutes 1980, Sections 232.06, Subdivisions 2, 3, 4, 6 and 7; 232.07 to 232.19; Minnesota Statutes 1981 Supplement, Section 232.06, Subdivision 1.

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

Page 3, line 20, after the period, insert the language beginning on line 21

Page 3, line 24, after the period, insert the language beginning on line 25

Page 3, delete lines 28 to 32 and insert "fund and is appropriated to"

Page 4, line 6, delete "\$20,000" and insert "\$10,000"

Page 4, line 7, after the period, insert "No condition two bond shall be required under this subdivision after June 30, 1983."

Page 5, line 28, after the period, insert "This clause expires July 1, 1983."

Page 9, line 1, delete "2 to 7" and insert "1 to 6"

Page 12, line 14, delete "2 to 7" and insert "1 to 6"

Page 12, line 19, after "sections" delete "2"

Page 12, line 20, delete "to 7" and insert "1 to 6"

Page 12, lines 24 and 26, delete "2 to 7" and insert "1 to 6"

Page 13, line 23, strike everything after "fee"

Page 13, strike lines 24 and 25

Page 13, lines 26 to 31, strike the old language and delete the new language and insert "*set by the commissioner.*"

Page 13, line 33, delete "4" and insert "3"

Page 15, line 2, strike the second "of" and delete "\$90" and strike "for each elevator." and insert "*set by the commissioner. The amount of the fee shall be set to cover the costs of administering and enforcing this chapter. A license*"

Page 15, line 3, strike "The application"

Page 15, line 27, delete "4" and insert "3"

Page 16, line 10, strike ", the fee shall be" and delete "\$50" and strike "for each"

Page 16, line 11, strike "license and" and insert a period

Page 16, line 17, after the period, insert "*The license fee shall be set by the commissioner in an amount sufficient to cover the costs of administering and enforcing this chapter.*"

Page 16, line 19, delete "4" and insert "3"

Page 17, after line 13, insert:

"Sec. 10. [APPROPRIATIONS CANCELLED.]

The sums appropriated from the general fund to the commissioner of agriculture for the administration and enforcement of grain and public terminal warehouse regulations in Minnesota Statutes, Chapters 231, 232, 233, and 236, for the fiscal year ending June 30, 1983, are cancelled and shall be credited to the general fund."

Page 17, line 17, delete "4" and insert "3"

Page 17, line 19, delete "July 1" and insert "June 30"

Page 17, line 23, after "232.19;" insert "and"

Page 17, line 25, after the period, insert "*Section 2, subdivision 5, is repealed 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 re-referred

S.F. No. 1771: A bill for an act relating to public welfare; providing for a mechanism in the program of aid to families with dependent children to minimize certain recipients' incentives to quit work; amending Minnesota Statutes 1980, Section 256.74, Subdivision 1, as amended.

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

follows:

Page 3, line 33, after "*need*" insert "*for persons with earned income*"

Page 3, line 34, delete "*45*" and insert "*35*"

Page 3, line 36, delete "*69*" and insert "*74*"

Page 4, line 7, after "*the*" insert "*increased*"

Page 4, line 10, delete "*maximum payment amount*" and insert "*standard of need in effect on January 1, 1982*"

Page 4, line 11, after the period, insert "*Unearned income shall be subtracted from the maximum payment amount for an assistance unit of the appropriate size and composition to determine the grant amount.*"

Page 4, line 14, delete everything after "*the*"

Page 4, line 15, delete everything before the period and insert "*standard of need in effect on January 1, 1982*"

Page 4, after line 15, insert:

"Sec. 2. Minnesota Statutes 1980, Section 256.74, Subdivision 1a, as added by Laws 1981, Third Special Session Chapter 3, Section 12, is amended to read:

Subd. 1a. [STEPPARENT'S INCOME.] In determining income available, the county agency shall take into account the remaining income of the dependent child's stepparent who lives in the same household after disregarding:

(1) The first \$75 of the stepparent's gross earned income. The commissioner shall prescribe by rule lesser amounts to be disregarded for stepparents who are not engaged in full-time employment or not employed throughout the month;

(2) An amount for support of the stepparent and any other individuals whom the stepparent claims as dependents for tax purposes and who live in the same household but whose needs are not considered in determining eligibility for assistance under sections 256.72 to 256.87. The amount equals the standard of need for a family *with no earned income* of the same composition as the stepparent and these other individuals;

(3) Amounts the stepparent actually paid to individuals not living in the same household but whom the stepparent claims as dependents for tax purposes; and

(4) Alimony or child support, or both, paid by the stepparent for individuals not living in the same household.

Sec. 3. Minnesota Statutes 1980, Section 256B.04, is amended by adding a subdivision to read:

Subd. 14. [COMPETITIVE BIDDING.] *The commissioner shall utilize volume purchase through competitive bidding under the provisions of Minnesota Statutes, Chapter 16, to provide the following items:*

(1) *Eyeglasses;*

(2) *Hearing aids and supplies; and*

(3) *Durable medical equipment, including but not limited to:*

- (a) hospital beds;
- (b) commodes;
- (c) glide-about chairs;
- (d) patient lift apparatus;
- (e) wheelchairs and accessories;
- (f) oxygen administration equipment;
- (g) respiratory therapy equipment; and
- (h) electronic diagnostic, therapeutic and life support systems.

Sec. 4. Minnesota Statutes 1980, Section 256B.05, Subdivision 2, is amended to read:

Subd. 2. In administering the medical assistance program, no county welfare department shall pay a fee or charge for medical, dental, surgical, hospital, nursing, licensed nursing home care, medicine, or medical supplies in excess of the schedules of maximum fees and charges as established by the state agency. ~~The maximum fee schedule for physicians shall be the usual and customary fee.~~

Sec. 5. Minnesota Statutes 1980, Section 256B.06, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding any law to the contrary, a migrant ~~agricultural~~ worker who meets all of the eligibility requirements of this section other than that he has a permanent place of abode in another state, shall be eligible for medical assistance and shall have his medical needs met by the county in which he resides at the time of making application.

Sec. 6. Minnesota Statutes 1980, Section 256B.14, is amended to read:

256B.14 [RELATIVE'S RESPONSIBILITY.]

Subdivision 1. [IN GENERAL.] Subject to the provisions of section 256B.06, the financial responsibility of a relative for an applicant or recipient of medical assistance shall not extend beyond the relationship of a spouse, or a parent of an applicant who is under 18 years of age responsible relative means the spouse of a medical assistance recipient or parent of a minor recipient of medical assistance.

Subd. 2. [ACTIONS TO OBTAIN PAYMENT.] The state agency shall promulgate rules to determine the ability of responsible relatives to contribute partial or complete repayment of medical assistance furnished to recipients for whom they are responsible. These rules shall not require repayment when payment would cause undue hardship to the responsible relative or his or her immediate family. The county agency shall give the responsible relative notice of the amount of the repayment. If the state agency or county agency finds that notice of the payment obligation was given to the responsible relative, but that the relative failed or refused to pay, a cause of action exists against the responsible relative for that portion of medical assistance granted after notice was given to the responsible relative, which the relative was determined to be able to pay.

The action may be brought by the state agency or the county agency in the

county where assistance was granted, for the assistance, together with the costs of disbursements incurred due to the action.

In addition to granting the county or state agency a money judgment, the court may, upon a motion or order to show cause, order continuing contributions by a responsible relative found able to repay the county or state agency. The order shall be effective only for the period of time during which the recipient receives medical assistance from the county or state agency.

Sec. 7. Minnesota Statutes 1980, Section 256B.19, Subdivision 1, is amended to read:

Subdivision 1. The cost of medical assistance paid by each county of financial responsibility shall be borne as follows: Payments shall be made by the state to the county for that portion of medical assistance paid by the federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the county showing the amount required for the succeeding month. Ninety percent of the expense of assistance not paid by federal funds available for that purpose shall be paid by the state and ten percent shall be paid by the county of financial responsibility.

For counties where health maintenance organizations are under contract to the state to provide services to medical assistance recipients, the division of the nonfederal share of medical assistance expenses for payments made to health maintenance organizations in the form of prepaid capitation payments, this division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

State contracts with health maintenance organizations shall assure medical assistance recipients of at least the comprehensive health maintenance services defined in section 62D.02, subdivision 7. The contracts shall require health maintenance organizations to provide information to the commissioner concerning the number of people receiving services, the number of encounters, the type of services received, evidence of an operational quality assurance program pursuant to section 62D.04 and information about utilization. Persons who become eligible for medical assistance after July 1, 1982 and who choose to receive services from a health maintenance organization under contract to the state pursuant to this section shall be guaranteed six months medical assistance eligibility.

Sec. 8. Minnesota Statutes 1980, Section 256B.27, Subdivision 3, is amended to read:

Subd. 3. The commissioner of public welfare, with the written consent of the recipient, shall be allowed access to all personal medical records of medical assistance recipients solely for the purposes of investigating whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a cost report or a rate application which the vendor knows to be false in whole or in part; or (b) the medical care was medically necessary. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. ~~To the extent feasible, the commissioner shall contract with a review organization, as defined in section 145.61, in determining whether or not the medical care provided was medically necessary. The determination of abuse or provision of services not medically necessary shall be made by the commissioner in consultation with a review organi-~~

zation as defined in section 145.61 or other advisory committees of vendors as appointed by the commissioner on the recommendation of appropriate professional organizations. Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner of public welfare pursuant to this section.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 256.966, is amended to read:

256.966 [MEDICAL CARE PAYMENTS; ALLOWABLE INCREASE IN COST PER SERVICE UNIT.]

Subdivision 1. [IN GENERAL.] For the biennium ending June 30, 1983, the annual increase in the cost per service unit paid to any vendor under medical assistance and general assistance medical care shall not exceed eight percent. The period for measuring growth shall be the state fiscal year.

Subd. 2. [HEALTH MAINTENANCE ORGANIZATIONS.]

Notwithstanding the provisions of subdivision 1, rates paid to health maintenance organizations may increase beyond eight percent. The actual rate paid per month to health maintenance organizations shall not exceed 85 percent of the average monthly per capita fee for service payments made on behalf of eligible recipients who qualify to be members of the health maintenance organization who choose not to be members. Rates shall be calculated by the department of public welfare.

Sec. 10. [APPROPRIATION; REPORT.]

The sum of \$25,000 is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1983 to implement and coordinate the state, county, and health maintenance organization administrative arrangements required in section 6 and to prepare a report to the legislature by January 15, 1984, on the cost effectiveness of the program."

Page 4, line 17, delete "Section 1 is" and insert "Sections 1 and 2 are"

Page 4, line 20, after the period, insert "Sections 3, 5, 7, and 8 are effective the day following final enactment. Sections 4, 6, and 9 are effective July 1, 1982."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "modifying certain provisions relating to medical assistance; allowing a cause of action against responsible relatives; providing for payments to health maintenance organizations; appropriating money;" and delete "Section" and insert "Sections"

Page 1, line 6, delete "Subdivision" and insert "Subdivisions" and before the period, insert ", and 1a, as added; 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"

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. 2065: A bill for an act relating to public welfare; clarifying certain provisions of the general assistance program; amending Minnesota Statutes 1981 Supplement, Section 256D.05, Subdivision 1.

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

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1980, Section 144A.01, Subdivision 7, is amended to read:

Subd. 7. “Uncorrected violation” means (a) a violation of a statute or rule or any other deficiency for which a notice of noncompliance has been issued and fine assessed *and allowed to be recovered* pursuant to section 144A.10, subdivision 6, or (b) *the issuance of two or more correction orders, within a 12 month period, for a violation of the same provision of a statute or rule.*

Sec. 2. Minnesota Statutes 1980, Section 144A.04, Subdivision 4, is amended to read:

Subd. 4. The controlling persons of a nursing home may not include any person who was a controlling person of another nursing home during any period of time in the previous two year period:

(a) during which time of control that other nursing home incurred the following number of uncorrected violations ~~for which violations a fine was assessed and allowed to be recovered:~~

~~(a)~~ (1) two or more uncorrected violations which created an imminent risk of ~~harm to a nursing home resident to direct resident care or safety;~~ or

~~(b)~~ ~~Ten~~ (2) five or more uncorrected violations of any nature for which the fines are in the two highest daily fine categories prescribed in rule; or

(b) who was convicted of a felony that relates to operation of the nursing home or directly affects resident safety or care, during that period.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions related to the operation of the nursing home which incurred the uncorrected violations.

Sec. 3. Minnesota Statutes 1980, Section 144A.04, Subdivision 6, is amended to read:

Subd. 6. A nursing home may not employ as a managerial employee or as its licensed administrator any person who was a managerial employee or the licensed administrator of another facility during any period of time in the previous two year period:

(a) During which time of employment that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the administrator ~~and for which violations a fine was assessed and allowed to be recovered:~~

~~(a)~~ (1) two or more uncorrected violations which created an imminent risk of ~~harm to a nursing home resident to direct resident care or safety;~~ or

~~(b)~~ ~~Ten~~ (2) five or more uncorrected violations of any nature for which the

finest are in the two highest daily fine categories prescribed in rule; or

(b) who was convicted of a felony that relates to operation of the nursing home or directly affects resident safety or care, during that period.

Sec. 4. Minnesota Statutes 1980, Section 144A.08, Subdivision 3, is amended to read:

Subd. 3. [PENALTY.] Any controlling person who establishes, conducts, manages or operates a nursing home which incurs the following number of uncorrected violations, in any two year period, ~~for which violations a fine was assessed, and allowed to be recovered:~~

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) ~~Ten~~ Five or more uncorrected violations of any nature, is guilty of a misdemeanor.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected violations.

Sec. 5. Minnesota Statutes 1980, Section 144A.10, Subdivision 4, is amended to read:

Subd. 4. [CORRECTION ORDERS.] Whenever a duly authorized representative of the commissioner of health finds upon inspection of a nursing home, that the facility or a controlling person or an employee of the facility is not in compliance with sections 144.651, 144A.01 to 144A.17, or 626.557 or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, state the suggested method of correction, and specify the time allowed for correction. The commissioner of health by rule shall establish a schedule of allowable time periods for correction of nursing home deficiencies. *If the commissioner finds that the nursing home had uncorrected violations and that two or more of the uncorrected violations create a risk to resident care, safety, or rights, the commissioner shall notify the commissioner of public welfare who shall review reimbursement to the nursing home to determine the extent to which the state has paid for substandard care.*

Sec. 6. Minnesota Statutes 1980, Section 144A.11, Subdivision 2, is amended to read:

Subd. 2. [MANDATORY PROCEEDINGS.] The commissioner of health shall initiate proceedings to suspend or revoke a nursing home license or shall refuse to renew a license if within the preceding two years the nursing home has incurred the following number of uncorrected violations ~~for which violations a fine was assessed and allowed to be recovered:~~

~~(a)~~ (1) two or more uncorrected violations which created an imminent risk of ~~harm to a nursing home resident~~ *to direct resident care or safety, violated the patients' bill of rights, section 144.651, or violated the vulnerable adults reporting act, section 626.557; or*

~~(b)~~ ~~Ten~~ (2) five or more uncorrected violations of any nature *for which the fines are in the two highest daily fine categories prescribed in rule.*

Sec. 7. Minnesota Statutes 1980, Section 144A.11, is amended by adding a

subdivision to read:

Subd. 3a. [MANDATORY REVOCATION.] Notwithstanding the provisions of subdivision 3, the commissioner shall revoke a nursing home license if a controlling person is convicted of a felony that relates to operation of the nursing home or directly affects resident safety or care. The commissioner shall notify the nursing home 30 days in advance of the date of revocation."

Page 1, after line 9, insert:

"Subdivision 1. [STANDARDS.] Each person or family whose income and resources are less than the standard of assistance established by the commissioner, and who is not eligible for the federally aided assistance programs of emergency assistance or aid to families with dependent children, or any successor to those programs, shall be eligible for and entitled to general assistance if the person or family is:

(a) A person suffering from an illness, injury, or incapacity which is both medically certified and prevents the individual from engaging in suitable employment, if a plan for rehabilitation approved by the local agency through its director or designated representative is being followed when the situation is certified as temporary;

(b) A person whose presence in the home on a substantially continuous basis is required because of the certified illness or incapacity of another member of the household;

(c) A person who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, if the placement is based on illness or incapacity, and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

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

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

(f) A person who is unable to secure suitable employment due to inability to communicate in the English language, and who, if assigned to a language skills program by the local agency, is participating in that program;

(g) A person not described in clause (a) or (c) who is diagnosed by a licensed physician or licensed consulting psychologist as mentally ill; or

(h) A person who is unable to secure suitable employment due to a lack of marketable skills as determined by the local agency, and who, if assigned to a vocational counseling, vocational rehabilitation, or work training program by the local agency, is participating in that program. Eligibility for general assistance under clause (h) of this subdivision is limited to five weeks per calendar year; provided that no individual shall be eligible for general assistance if the individual is eligible for any of the following federally aided assistance programs: emergency assistance, aid to families with dependent children, or any successor to the above."

Page 1, line 10, delete "Subdivision 1. [STANDARDS.]" and insert:

"Sec. 9. Minnesota Statutes 1980, Section 256D.05, is amended by adding

a subdivision to read:

Subd. 1a. [TEMPORARY STANDARDS.] Notwithstanding the provisions of subdivision 1, from the day following final enactment of this act until June 30, 1983,"

Page 1, line 10, to page 2, line 25, underline the old language and delete the stricken language

Page 2, delete lines 26 and 27 and insert "due to a lack of marketable skills and who, if assigned to a"

Page 2, underline lines 28 to 31

Page 3, after line 4, insert:

"This subdivision is repealed July 1, 1983."

Page 3, delete lines 5 to 16 and insert:

"Sec. 10. [APPROPRIATIONS.]"

\$12,000 is reappropriated from Laws 1981, Chapter 360, Article I, Section 2, to the commissioner of public welfare for the purposes of the statewide hearing impaired program."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "public" and insert "health and" and after the semicolon, insert "strengthening qualifications for persons controlling, administering, or managing nursing homes; requiring review of reimbursement for substandard care; requiring license revocation in certain situations;"

Page 1, line 3, after the semicolon, insert "revising a penalty; reappropriating money;"

Page 1, line 3, after "amending" insert "Minnesota Statutes 1980, Sections 144A.01, Subdivision 7; 144A.04, Subdivisions 4 and 6; 144A.08, Subdivision 3; 144A.10, Subdivision 4; 144A.11, Subdivision 2, and by adding a subdivision;"

Page 1, line 5, before the period, insert ", and by adding a subdivision"

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. 2005 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
2005	1901				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 2005 be amended as follows:

Page 2, line 21, delete "availability of"

Page 2, line 21, after "personnel" insert "availability"

Page 2, line 31, delete "for providing" and insert "to provide"

Page 2, line 35, delete "full"

Page 2, line 36, after "5" delete the comma

Page 3, delete line 1

Page 3, line 2, delete everything before the period

Page 3, line 2, delete "show the" and insert "allocate"

Page 3, line 3, delete everything before the first "the"

Page 3, line 5, delete "that" and insert "the"

Page 3, line 6, delete "which" and insert "that"

Page 3, line 10, delete "any appropriated" and insert "amounts"

Page 3, line 11, delete "funds"

Page 3, line 17, delete "which" and insert "that"

Page 4, delete sections 8 and 9, 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 commissioner of finance, in consultation with the commissioner of employee relations, shall allocate the amounts appropriated by the legislature for comparability adjustments to the proper accounts for distribution to incumbents of classes that have been approved for comparability adjustments.

Amounts appropriated for purposes of comparability adjustments for state employees shall be distinct within the amounts appropriated for salary supplements or other employee compensation. Amounts appropriated for the purpose of comparability adjustments but not used for that purpose shall revert to the appropriate fund."

Amend the title as follows:

Page 1, line 7, after "Subdivision 8" insert ", and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 137"

And when so amended H.F. No. 2005 will be identical to S.F. No. 1901, and further recommends that H.F. No. 2005 be given its second reading and substituted for S.F. No. 1901, 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. 1834 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1834	1789				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1834 be amended as follows:

Page 4, line 16, delete "1979,"

And when so amended H.F. No. 1834 will be identical to S.F. No. 1789, and further recommends that H.F. No. 1834 be given its second reading and substituted for S.F. No. 1789, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 579, 1460, 1556, 1891, 862, 1669, 1962, 1771 and 2065 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1840, 1115, 1477, 1939, 1702, 1789, 2005 and 1834 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Dahl moved that H. F. No. 1704 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1556. The motion prevailed.

Mr. Schmitz moved that S.F. No. 1515, No. 35 on Special Orders, be stricken and returned to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Rued, for Mr. Sieloff, moved that S.F. No. 1143, No. 64 on Special Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Wegener moved that S.F. No. 2081, No. 36 on Special Orders, be stricken and returned to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Engler moved that S.F. No. 1846, No. 5 on Special Orders, be stricken and returned to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Humphrey moved to adopt Senate Concurrent Resolution No. 12, pursuant to the report from the Committee on Rules and Administration adopted March 4, 1982.

Senate Concurrent Resolution No. 12: A Senate concurrent resolution expressing the importance of clean air and urging the Minnesota Pollution Control Agency to maintain strong air quality standards that will fully provide the necessary protection for the State of Minnesota.

WHEREAS, the Minnesota Pollution Control Agency is currently considering revisions to the State's ambient air quality standards; and,

WHEREAS, clean air is fundamentally important to the health and well-being of the citizens, environment, and economy of Minnesota; and,

WHEREAS, continued exposure to air pollutants at even moderate levels can result in chronic health problems of many types, affecting large numbers of people, especially the very young and very old; and,

WHEREAS, the citizens of Minnesota have a right to a guarantee that the air they breathe does not contain levels of pollutants that will result in actual or potential harm to their health; and,

WHEREAS, air pollution can cause substantial damage to Minnesota's resources, including vegetation, animals, property, and materials; and,

WHEREAS, air pollution across the country has been shown to result in large economic costs in terms of medical treatment, lost worker productivity, and decreased property values; and,

WHEREAS, air pollution may cause significant damage to the agriculture, forestry, and recreation industries, with a resulting negative impact on a major portion of the State's economic base; and,

WHEREAS, acid rain in particular is becoming recognized as a far more serious problem than previously known, resulting from emissions of sulfur dioxide and representing a threat to some of Minnesota's most important resources; and,

WHEREAS, the setting of standards has resulted in substantial improvements in the State's air quality with consequent benefits to health, welfare, and environment; and,

WHEREAS, the State's standards for air quality have been consistent with, and have contributed to, Minnesota's nationally known high quality of life; and,

WHEREAS, opinion polls have consistently shown overwhelming public support for continued strong protection of the environment in general and air quality in particular, even if that protection results in economic costs; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that the Minnesota Pollution Control Agency should, on the basis of the best available scientific evidence, support strong air quality standards that will fully provide the necessary protection for the health and well-being of the citizens, economy, and environment of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and those of the President of the Senate, Speaker of the House of Representatives, and Chief Clerk of the House of Representatives, and transmit it to the

Chairman of the Minnesota Pollution Control Agency.

The motion prevailed. So the resolution was adopted.

Mr. Dicklich introduced—

Senate Resolution No. 80: A Senate resolution urging the Federal Energy Regulatory Commission to hold hearings in Minnesota whenever increases in natural gas rates are being considered.

WHEREAS, the Federal Energy Regulatory Commission is empowered by federal law to establish, review, and enforce rates for the transportation of natural gas; and,

WHEREAS, the transportation rates are ultimately reflected in the price of natural gas to the ultimate consumer; and,

WHEREAS, the cost of natural gas to consumers is of crucial importance to Minnesota since the state is completely dependent on energy transported from outside the state; and,

WHEREAS, the commission holds public hearings before considering rate increases; and,

WHEREAS, in order for Minnesotans to effectively present their views at any hearings, it is necessary that public hearings be held in Minnesota; NOW, THEREFORE,

BE IT RESOLVED that the Federal Energy Regulatory Commission is urged to hold public hearings in Minnesota whenever the establishment, review, or enforcement of rates and charges for the transportation and sale of natural gas by a producer or gatherer doing business in Minnesota or by a natural gas pipeline or natural gas company doing business in Minnesota is to be considered.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to enroll this resolution, to be authenticated by his signature and that of the President, and present it to the Chairman of the Federal Energy Regulatory Commission.

Mr. Dicklich moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Ramstad introduced—

Senate Resolution No. 81: A Senate resolution congratulating the Wayzata High School ice hockey team for winning the 1982 Lake Conference, North Division Championship.

Referred to the Committee on Rules and Administration.

Mr. Pehler moved that S.F. No. 1800, No. 67 on Special Orders, be stricken and returned to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Pehler then moved that S.F. No. 1915, No. 39 on Special Orders, be stricken and returned to the Committee on Finance. 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.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Peterson, C.C. introduced—

S.F. No. 2226: A bill for an act relating to private passenger vehicle insurance; prohibiting certain premium increases attributable to relatives living in the same household; proposing new law coded in Minnesota Statutes, Chapter 65B.

Referred to the Committee on Commerce.

Messrs. Spear and Stern introduced—

S.F. No. 2227: A bill for an act relating to crimes; prohibiting certain actions taken on the basis of race, color, ancestry, national origin, sex, sexual preference, religion, or creed; providing a penalty; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

RECESS

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

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

APPOINTMENTS

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

S.F. No. 16: Messrs. Davies, Sieloff and Lessard.

S.F. No. 358: Messrs. Tennesen, Bang, Davies, Sikorski and Benson.

S.F. No. 155: Mr. Purfeerst, Mrs. Brataas and Mr. Peterson, R.W.

H.F. No. 492: Messrs. Pehler, Humphrey and Benson.

S.F. No. 1499: Messrs. Bertram, Schmitz and Frederickson.

S.F. No. 1964: Messrs. Knoll; Spear; Pillsbury; Moe, D.M. and Nelson.

S.F. No. 1671: Messrs. Bernhagen, Merriam and Luther.

S.F. No. 1239: Messrs. Moe, D.M.; Spear and Renneke.

H.F. No. 1712: Messrs. Frederickson, Solon and Mrs. Lantry.

H.F. No. 1817: Messrs. Engler, Purfeerst and Schmitz.

H.F. No. 1804: Messrs. Renneke, Willet and Menning.

H.F. No. 1499: Messrs. Spear, Hanson and Peterson, D.L.

S.F. No. 1443: Mr. Setzepfandt, Mrs. Lantry and Mr. Nelson.

H.F. No. 1573: Mr. Frank, Mrs. Lantry and Mr. Ramstad.

H.F. No. 253: Messrs. Tennessen; Peterson, R.W. and Benson.

S.F. No. 1621: Messrs. Merriam, Davis and Engler.

S.F. No. 1821: Messrs. Renneke, Sikorski and Moe, D.M.

H.F. No. 438: Messrs. Peterson, C.C.; Renneke; Moe, D.M.; Spear and Frederickson.

S.F. No. 1522: Messrs. Wegener, Rued and Davies.

S.F. No. 2000: Messrs. Luther; Peterson, R.W. and Engler.

S.F. No. 1758: Messrs. Hanson, Davies, Merriam, Knutson and Peterson, R.W.

S.F. No. 452: Messrs. Spear, Dahl and Ms. Berglin.

S.F. No. 1702: Messrs. Solon, Knutson and Renneke.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Chmielewski moved that H.F. No. 1262 be withdrawn from the Committee on Employment and re-referred to the Committee on Rules and Administration. The motion prevailed.

RECESS

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

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

CALL OF THE SENATE

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Spear moved that the following members be excused for a Conference Committee on H.F. No. 1499:

Messrs. Spear, Hanson and Peterson, D.L. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

H.F. No. 2170: A bill for an act relating to state lands; authorizing sale and conveyance of a certain tract in order to correct a survey error.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1572: A bill for an act relating to health; establishing the right to complete information on all alternative treatments for patients with breast cancer; amending Minnesota Statutes 1980, Section 144.651.

Ms. Berglin moved to amend H.F. No. 1572, 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. 1504.)

Page 5, line 6, delete everything after "with"

Page 5, line 7, delete "that is effective" and insert "each of those methods"

The motion prevailed. So the amendment was adopted.

H.F. No. 1572 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 39 and nays 18, as follows:

Those who voted in the affirmative were:

Berglin	Frederickson	Luther	Peterson, C.C.	Stokowski
Chmielewski	Hanson	Menning	Peterson, D.L.	Stumpf
Davies	Hughes	Merriam	Peterson, R.W.	Tennessee
Davis	Knoll	Moe, D. M.	Petty	Vega
Dicklich	Kroening	Moe, R. D.	Ramstad	Waldorf
Dieterich	Langseth	Nelson	Schmitz	Wegener
Engler	Lantry	Olhoft	Spear	Willet
Frank	Lessard	Penny	Stern	

Those who voted in the negative were:

Ashbach	Berg	Frederick	Pillsbury	Sieloff
Bang	Bernhagen	Kamrath	Renneke	Ulland
Belanger	Bertram	Knutson	Rued	
Benson	Brataas	Kronebusch	Setzepfandt	

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

SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 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	Luther	Peterson, R. W.	Stokowski
Berg	Frederick	Menning	Purfeerst	Stumpf
Bernhagen	Frederickson	Merriam	Ramstad	Tennesen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Kamrath	Moe, R. D.	Rued	Vega
Chmielewski	Knutson	Nelson	Schmitz	Waldorf
Davies	Kroening	Olhoft	Setzepfandt	Willet
Davis	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lantry	Peterson, D. L.	Sieloff
Belanger	Engler	Lessard	Peterson, R. W.	Solon
Benson	Frank	Luther	Petty	Spear
Berg	Frederickson	Menning	Pillsbury	Stern
Bernhagen	Hanson	Merriam	Purfeerst	Stokowski
Bertram	Hughes	Moe, R. D.	Ramstad	Tennesen
Chmielewski	Kamrath	Nelson	Renneke	Vega
Davies	Kroening	Pehler	Rued	Waldorf
Davis	Kronebusch	Penny	Schmitz	Willet
Dicklich	Langseth	Peterson, C. C.	Setzepfandt	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that H.F. No. 1176 be taken from the table. The motion prevailed.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H.F. No. 1176. The Sergeant at Arms was instructed to bring in the absent members.

SUSPENSION OF RULES

Mr. Merriam 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. 1176 and that the rules of the Senate be so far suspended as to give H.F. No. 1176 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1176: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; authorizing rewards for information on violations; providing for pipeline testing; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 116.03, Subdivision 3; 466.01, by adding a subdivision; and 466.04, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 115B; proposing new law coded in Minnesota Statutes, Chapter 116.

H.F. No. 1176 was read the second time.

Mr. Merriam moved to amend H.F. No. 1176 as follows:

Delete everything after the enacting clause, and delete the title, of H. F. No. 1176, and insert the language after the enacting clause, and the title, of S. F. No. 1031, the Fourth Engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1176 as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 18, line 11, delete "*under section 3 or under any other law*" and insert "*against any responsible person who may be liable under section 3*"

Page 24, line 7, delete "21" and insert "20"

Page 32, line 5, delete "18" and insert "17"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 31, after line 9, insert:

"Sec. 26. [APPLICATION TO CERTAIN ACTIONS.]

(a) *The provisions of sections 1 to 12 do not apply to any legal action by any*

person who may be liable for the release of a hazardous substance brought before January 1, 1982, for the purpose of allocating liability for that release between that person and any other person who may be liable for the release.

(b) In any action brought after January 1, 1982, which arises out of the same facts as an action described in clause (a), sections 1 to 12 shall not be applied in order to change the allocation of liability between the parties as determined in the prior action or in a bona fide binding settlement of the prior action by the parties."

Page 32, line 8, delete "23 and 26" and insert "24 and 27"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 14, line 1, delete "on"

Page 14, line 2, delete everything after "known" and insert "was used as the site of a hazardous waste disposal facility as defined in section 115A.03, subdivision 10, or"

Page 14, line 3, delete "contaminated" and insert "subject to extensive contamination"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 29, after line 31, insert:

"Sec. 23. Minnesota Statutes 1981 Supplement, Section 115A.24, Subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE.] ~~Except as provided in subdivision 2,~~ By December 15, 1982, on the basis of and consistent with its hazardous waste management plan adopted under section 115A.11, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, general design and operating specifications, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the

matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities consistent with the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state."

Page 32, after line 3, insert:

"Sec. 28. [REPEALER.] *Minnesota Statutes 1981 Supplement, Section 115A.24, Subdivision 2, is repealed.*"

Page 32, line 8, delete "23 and 26" and insert "24 and 27"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after "13;" insert "115A.24, Subdivision 1;"

Page 1, line 15, before the period insert ";; repealing Minnesota Statutes 1981 Supplement, Section 115A.24, Subdivision 2"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H. F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 11, after line 30, insert:

"Subd. 4. [RIGHT TO APPORTIONMENT.] *Any person has the right at the initial proceedings or trial to have the trier of fact apportion liability as provided in this section.*"

The motion prevailed. So the amendment was adopted.

Mr. Wegener moved to amend H.F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1031.)

Page 6, after line 27, insert:

"Any person who has acted reasonably under the circumstances involved in the release or threatened release of a hazardous substance shall be liable under applicable state and federal laws, including common law, for any economic loss, personal injury or disease resulting from the release or threatened release."

The question was taken on the adoption of the amendment.

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

Mr. Merriam moved that those not voting be excused from voting. The

motion prevailed.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Kroening	Moe, R. D.	Setzepfandt
Bang	Chmielewski	Kronebusch	Olhoft	Sieloff
Belanger	Engler	Langseth	Pillsbury	Taylor
Benson	Frederick	Lessard	Ramstad	Ulland
Berg	Frederickson	Lindgren	Renneke	Waldorf
Bernhagen	Kamrath	Menning	Rued	Wegener
Bertram	Knutson	Merriam	Schmitz	

Those who voted in the negative were:

Berglin	Frank	Luther	Peterson, R. W.	Stokowski
Dahl	Hanson	Moe, D. M.	Petty	Stumpf
Davies	Humphrey	Nelson	Sikorski	Tennessen
Davis	Johnson	Pehler	Solon	Vega
Dicklich	Knoll	Penny	Spear	Willet
Dieterich	Lantry	Peterson, C. C.	Stern	

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved that H.F. No. 1176 be laid on the table. The motion prevailed.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 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; allowing the removal of the moratorium on development at certain sites; directing a study of solid waste utilization in the St. Cloud area; appropriating money; amending Minnesota Statutes 1980, Sections 115A.08, by adding a subdivision; 115A.15, Subdivisions 2, 6, and by adding a subdivision; 115A.42; 115A.46; 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; 473.153, by adding subdivisions; 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; 473.803, Subdivision 1a; 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.

Senate File No. 1965 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1982

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 1965, 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 that the House refuses to concur in the Senate amendments to House File No. 1663:

H.F. No. 1663: A bill for an act relating to law libraries; recodifying the laws governing county law libraries; amending Minnesota Statutes 1980, Sections 140.34; 140.35; 140.36; 140.37; 140.38; 140.39; 140.40; 140.44; 140.45; 140.46; and 480.09, Subdivision 5; proposing new law coded in Minnesota Statutes 1980, Chapter 140; repealing Minnesota Statutes 1980, Sections 140.01 to 140.20; 140.212 to 140.33; 140.41 to 140.435; Minnesota Statutes 1981 Supplement, Section 140.21.

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

Voss, Jude and Luknic have been appointed as such committee on the part of the House.

House File No. 1663 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 11, 1982

Mr. Peterson, R.W. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1663, 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. 1902:

H.F. No. 1902: A bill for an act relating to Ramsey County; permitting the county to establish a small business set-aside program.

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

Rodriguez, F.; Kelly and Kostohryz have been appointed as such committee on the part of the House.

House File No. 1902 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 11, 1982

Mrs. Lantry moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1902, 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. 1484:

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.

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

Vanasek, Levi, Jude, Vellenga and Johnson, D. have been appointed as such committee on the part of the House.

House File No. 1484 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 11, 1982

Mr. Davies moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1484, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce 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. 2125: A bill for an act relating to real property; providing that covenants, conditions, restrictions or extensions thereof annexed to a grant, devise or conveyance of land that are or become nominal shall not operate as a basis of forfeiture; providing for the modification and extension of contracts for deed; providing dates for applicable laws relating to termination of con-

tracts; removing a time limitation on the duration of covenants, conditions and restrictions; amending Minnesota Statutes 1980, Sections 500.20, Subdivision 1; 559.21, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 508; repealing Minnesota Statutes 1980, Section 500.20, Subdivision 2.

Senate File No. 2125 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1982

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S.F. No. 2125 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2125 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, R. W.	Stern
Belanger	Dieterich	Lantry	Petty	Stokowski
Berg	Engler	Lessard	Pillsbury	Stumpf
Bernhagen	Frank	Lindgren	Ramstad	Taylor
Bertram	Frederickson	Luther	Renneke	Tennessen
Brataas	Humphrey	Menning	Rued	Vega
Chmielewski	Kamrath	Moe, D. M.	Schmitz	Waldorf
Dahl	Knoll	Moe, R. D.	Sieloff	Wegener
Davies	Knutson	Olhoft	Sikorski	Willet
Davis	Kronebusch	Penny	Solon	

Mr. Merriam voted in the negative.

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

RECESS

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

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

APPOINTMENTS

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

H.F. No. 2136: Messrs. Willet, Menning, Luther, Engler and Nelson.

S.F. No. 1965: Messrs. Merriam, Willet and Engler.

H.F. No. 1484: Messrs. Davies; Ulland; Peterson, R.W.; Dieterich and Olhoft.

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:30 p.m. The motion prevailed.

The hour of 7:30 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Penny moved that the Senate do now recess until 7:55 p.m. The motion prevailed.

The hour of 7:55 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

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.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dieterich moved that the following members be excused for a Conference Committee on H.F. No. 1555:

Messrs. Dieterich, Langseth, Rued, Hughes and Merriam. The motion prevailed.

MEMBERS EXCUSED

Mr. Lindgren was excused from this evening's Session. Messrs. Hughes and Purfeerst were excused from the Session of today at 5:30 p.m. Mr. Olhoft was excused from the Session of today from 4:00 to 4:30 p.m. and from 7:30 to 10:00 p.m. Mr. Tennessen was excused from this evening's Session until 9:00 p.m. Mr. Frank was excused from this evening's Session from 8:50 to 9:20 p.m. Mrs. Kronebusch was excused from this evening's Session until 8:45 p.m. Mr. Sikorski was excused from this evening's session from 12:10 a.m. to 12:15 a.m. Mr. Pillsbury was excused from this evening's session at 12:20 a.m.

APPOINTMENTS

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

H.F. No. 1902: Mrs. Lantry, Messrs. Waldorf and Hughes.

H.F. No. 1663: Messrs. Peterson, R.W.; Tennesen and Merriam.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Willet moved that the following members be excused for a Conference Committee on H.F. No. 2136:

Messrs. Willet, Luther, Nelson, Menning and Engler. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

H.F. No. 1365: A bill for an act relating to cities; authorizing city rehabilitation loan programs for small and medium sized commercial buildings; and providing for the issuance of revenue bonds to finance the programs; authorizing a housing and commercial rehabilitation interest reduction program; amending Minnesota Statutes 1980, Sections 462.421, Subdivision 14; 462.445, by adding subdivisions; and 462.545, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 459.

Mr. Pehler moved that the amendment made to H.F. No. 1365 by the Committee on Rules and Administration in the report adopted March 6, 1982, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1365 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 39 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Knutson	Peterson, D.L.	Spear
Belanger	Davies	Kroening	Peterson, R.W.	Stern
Benson	Davis	Lantry	Petty	Stokowski
Berg	Dicklich	Lessard	Pillsbury	Taylor
Berglin	Frank	Moe, D. M.	Ramstad	Vega
Bertram	Frederickson	Moe, R. D.	Renneke	Waldorf
Brataas	Humphrey	Pehler	Schmitz	Wegener
Chmielewski	Kamrath	Penny	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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 40 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Knutson	Peterson, D. L.	Sieloff
Belanger	Davies	Kroening	Peterson, R. W.	Spear
Benson	Davis	Lantry	Petty	Stern
Berg	Dicklich	Lessard	Pillsbury	Stokowski
Berglin	Frank	Moe, D. M.	Ramstad	Taylor
Bertram	Frederickson	Moe, R. D.	Renneke	Vega
Brataas	Humphrey	Pehler	Schmitz	Waldorf
Chmielewski	Kamrath	Penny	Setzepfandt	Wegener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 546: A bill for an act relating to insurance; extending the insurance division revolving fund; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program; requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1980, Sections 60A.03, Subdivision 6; and 62B.06, Subdivisions 2, 3 and 4; and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 60A.

Mr. Petty moved to amend H.F. No. 546, the unofficial engrossment, as follows:

Pages 13 and 14, delete section 6 and insert:

“Sec. 6. Minnesota Statutes 1980, Section 62B.06, is amended by adding a subdivision to read:

Subd. 6. A statement in substantially the following form in bold face type of a minimum size of 12 points shall be provided to the borrower:

CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. YOU MAY BUY ANY INSURANCE FROM ANYONE YOU CHOOSE OR YOU MAY USE EXISTING INSURANCE. THE CREDIT LIFE INSURANCE AND CREDIT ACCIDENT AND HEALTH INSURANCE AVAILABLE THROUGH THIS CREDITOR HAD AN ACTUAL LOSS RATIO DURING THE CALENDAR YEAR LAST REPORTED TO THE DEPARTMENT OF COMMERCE OF..... PERCENT. THIS MEANS THAT, ON THE AVERAGE, \$..... OF EVERY \$100 IN PREMIUMS PAID TO THE INSURANCE COMPANY WERE RETURNED AS BENEFITS TO POLICYHOLDERS DURING THAT YEAR.

The lender shall have 30 days after the insurance company submits its report of losses to the department of commerce for the previous calendar year to change its disclosure to reflect the current loss ratio.”

Amend the title as follows:

Page 1, line 10, delete “Subdivisions 2 and” and insert “Subdivision”

Page 1, line 10, after “4” insert “, and by adding a subdivision”

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend H.F. No. 546, the unofficial engrossment,

as follows:

Page 6, line 32, delete the colon

Page 6, line 33, delete "APPLICATION"

Page 6, after line 33, insert:

"Subdivision 1. [LEGISLATIVE INTENT.] It is desirable and necessary public policy to require continuing education for insurance agents to ensure that the public, through the insurance agents with whom it deals, has access to the most current and complete information on insurance products and the protections they can offer, related areas of personal finance, and the laws and rules governing insurance in this state."

Page 7, line 8, delete "shall" and insert "does"

Page 7, line 12, delete "Minnesota Statutes, Chapter" and insert "chapter"

Page 9, after line 5, insert:

"Subd. 6. [POWERS OF THE COMMISSIONER.]"

Page 9, after line 11, insert:

"Subd. 7. [CRITERIA FOR PROGRAM APPROVAL.] (a) The commissioner shall approve for credit a course, program of instruction, or seminar only to the extent it is designed to impart substantive and procedural knowledge of the insurance field. The burden of demonstrating that the course, program of instruction, or seminar satisfies this requirement is on the individual or organization seeking approval.

(b) The commissioner shall not approve a course, program of instruction, or seminar (1) that is designed to prepare students for a license examination; (2) in mechanical office or business skills, including typing, speedreading, use of calculators or other machines or equipment; (3) in sales promotion, including meetings held in conjunction with the general business of the licensed agent; or (4) in motivation, salesmanship, psychology, or time management."

Page 9, line 14, delete "Minnesota Statutes, Chapter 15" and insert "the administrative procedure act, sections 15.041 to 15.052"

Renumber the subdivisions in sequence

Page 16, line 5, after "to" delete "5" and insert "8"

Page 16, line 6, delete "10" and insert "13"

Page 16, line 8, delete "6" and insert "9"

Page 16, line 8, delete "7" and insert "10"

Page 16, line 9, delete "8" and insert "11"

Page 16, line 9, delete "9" and insert "12"

The motion prevailed. So the amendment was adopted.

H.F. No. 546 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 39 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Kronebusch	Petty	Stern
Bang	Davis	Lantry	Pillsbury	Stokowski
Belanger	Dicklich	Moe, R. D.	Ramstad	Stumpf
Benson	Frank	Pehler	Renneke	Taylor
Bernhagen	Frederick	Penny	Setzepfandt	Ulland
Bertram	Hanson	Peterson, C. C.	Sieloff	Vega
Brataas	Humphrey	Peterson, D. L.	Sikorski	Waldorf
Dahl	Kroening	Peterson, R. W.	Spear	

Those who voted in the negative were:

Berg	Frederickson	Knoll	Schmitz	Wegener
Chmielewski	Kamrath	Lessard		

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

SPECIAL ORDER

H.F. No. 1698: A bill for an act relating to public welfare; delaying the duty of the commissioner of administration to sell certain land and buildings; amending Laws 1981, Chapter 360, Article I, Section 2, Subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Knoll	Peterson, D. L.	Sikorski
Bang	Davies	Kroening	Peterson, R. W.	Spear
Belanger	Davis	Kronebusch	Petty	Stern
Benson	Dicklich	Lantry	Pillsbury	Stokowski
Berg	Frederickson	Lessard	Ramstad	Taylor
Bernhagen	Frederickson	Moe, R. D.	Renneke	Ulland
Bertram	Hanson	Pehler	Schmitz	Vega
Brataas	Humphrey	Penny	Setzepfandt	Waldorf
Chmielewski	Kamrath	Peterson, C. C.	Sieloff	Wegener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1894: A bill for an act relating to municipal housing; authorizing the planning, implementation, and financing of rehabilitation and energy improvement loans; providing for the allocation of mortgage bonds; amending Minnesota Statutes 1980, Sections 462C.01; 462C.02, Subdivisions 3, 4 and 5, and by adding subdivisions; 462C.03, as amended; 462C.04, Subdivision 2; 462C.05, Subdivisions 2 and 5; 462C.07, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 462C.05, Subdivisions 1 and 3; and 462C.09; repealing Minnesota Statutes 1981 Supplement, Section 462C.07, Subdivision 2.

Mr. Knoll moved that the amendment made to H.F. No. 1894 by the Committee on Rules and Administration in the report adopted March 10, 1982, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was

stricken.

Mr. Knoll then moved to amend H.F. No. 1894 as follows:

Page 7, line 30, delete the comma

Page 7, line 31, delete “, or” and insert “. *The single family housing program may also provide loans*”

The motion prevailed. So the amendment was adopted.

H.F. No. 1894 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 41 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Moe, R. D.	Renneke	Tennessen
Belanger	Frederickson	Pehler	Schmitz	Ulland
Benson	Humphrey	Penny	Sikorski	Vega
Berg	Kamrath	Peterson, C. C.	Solon	Waldorf
Bertram	Knoll	Peterson, D. L.	Spear	Wegener
Chmielewski	Knutson	Peterson, R. W.	Stern	
Dahl	Kroening	Petty	Stokowski	
Davies	Kronebusch	Pillsbury	Stumpf	
Davis	Lantry	Ramstad	Taylor	

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

Mr. Knoll moved that S.F. No. 1942 be stricken from Special Orders and returned to its author. The motion prevailed.

SPECIAL ORDER

H.F. No. 1278: A bill for an act relating to public employment labor relations; clarifying the definition of “employer”; amending Minnesota Statutes 1980, Section 179.63, Subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Luther	Peterson, C. C.	Stern
Bang	Hanson	Menning	Peterson, R. W.	Stokowski
Belanger	Humphrey	Moe, D. M.	Petty	Tennessen
Chmielewski	Knoll	Moe, R. D.	Schmitz	Ulland
Dahl	Kroening	Nelson	Sikorski	Vega
Davies	Lantry	Olhoft	Solon	Waldorf
Dicklich	Lindgren	Penny	Spear	

Those who voted in the negative were:

Benson	Engler	Knutson	Peterson, D. L.	Taylor
Bernhagen	Frederick	Kronebusch	Pillsbury	Wegener
Bertram	Frederickson	Lessard	Ramstad	Willet
Davis	Kamrath	Pehler	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1919: A bill for an act relating to agriculture; formulating a state agricultural land preservation and conservation policy; imposing duties on state agencies regarding agency actions adversely affecting agricultural land; continuing the existence of the joint legislative committee on agricultural land preservation; allocating certain state cost-sharing funds for high priority soil erosion, sedimentation and water control problems identified by local soil and water conservation districts; imposing duties on state and local soil and water conservation boards; providing technical and administrative assistance grants to local districts; requiring coordination of state soil and water conservation programs with other public agencies; establishing a conservation tillage demonstration program; amending Minnesota Statutes 1980, Sections 15.0412, by adding a subdivision; 40.03, Subdivision 4; 40.036; 40.07, Subdivision 9; and Laws 1979, Chapter 315, Section 2, as amended; proposing new law coded in Minnesota Statutes, Chapters 17 and 40; repealing Minnesota Statutes 1980, Section 473H.13; and Laws 1979, Chapter 315, Section 1.

Mr. Penny moved to amend H.F. No. 1919, as amended pursuant to Rule 49, adopted by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1847.)

Page 5, after line 24, insert:

“Sec. 7. Minnesota Statutes 1980, Section 105.463, is amended to read:

105.463 [CONTRACTOR'S RESPONSIBILITY.]

It is unlawful for any agent, servant, or employee of another to ~~undertake work for which a permit is required pursuant to section 98.48, subdivision 9, this chapter, or section 106.021, construct, reconstruct, remove, make any change in any reservoir, dam or waterway obstruction on any public water, or in any manner to change or diminish the course, current or cross-section of any public waters unless a copy of the permit authorizing such work is posted on or near the premises upon which such work is conducted~~ the agent, servant or employee has (a) obtained a signed statement from the landowner that all permits required for the work have been obtained or that no permit is required, and (b) mailed a copy of the statement to the office of the department for the region in which the proposed work is located. ~~The~~ Violation of this section constitutes a separate and independent offense from any other provided by sections 105.37 to 105.55.

The commissioner of natural resources shall develop a suitable form to be distributed to contractors' associations and county auditors for the purposes of this section, which shall include a listing of the activities for which a permit is required, a description of the penalties for violating this chapter, the mailing addresses and telephone numbers of the various regional offices of the department of natural resources, a statement that water inventory maps completed pursuant to section 105.391, subdivision 1, are on file with the auditors of the various counties, and spaces for a description of the work and the names, mailing addresses, and phone numbers of the person authorizing the work and the agent, servant, or employee proposing to undertake it.

Sec. 8. Minnesota Statutes 1980, Section 106.041, is amended to read:

106.041 [PETITIONERS' BOND.]

Upon the filing of a petition and before any action is taken thereon, one or more of the petitioners shall make and file a bond payable, in case of a county drainage system, to the county, and in case of a judicial drainage system, to the counties named in the petition, in the sum of not less than ~~\$2,000~~ \$10,000, with good and sufficient sureties, to be approved by the officer with whom the same is filed, conditioned to pay all costs and expenses which may be incurred in case the proceedings are dismissed or for any reason no contract is entered into for the construction of the improvement petitioned for.

Sec. 9. Minnesota Statutes 1980, Section 106.631, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE ON APPEAL.] (a) Any person appealing on the first or second ground named, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represents such owner in the proceedings. Such notice of appeal shall also be served upon the auditor or clerk.

(b) To render the appeal effectual, the appellant shall file with the auditor or clerk within 30 days after the filing of such final order a notice of appeal which shall state the particular benefits or damages appealed from and the ground upon which the appeal is taken. The notice of appeal shall be accompanied by an appeal bond to the county where the property is located of not less than ~~\$250~~ \$10,000 with sufficient surety to be approved by the auditor or clerk, conditioned that the appellant will duly prosecute the appeal and pay all costs and disbursements which may be adjudged against him and abide the order of the court. Within 30 days after such filing, the auditor, in case of a county drainage proceeding, shall return and file with the clerk of the district court the original notice and appeal bond.

(c) The issues raised by the appeal shall stand for trial by jury and shall be tried and determined at the next term of the district court held within the county in which the proceedings were commenced, or in such other county in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence of all other matters of a civil nature in court. If there be more than one appeal triable in one county, the court may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to property situated in the county other than the county where the drainage proceedings are pending, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of the district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceedings so far as they pertain to the matters on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried, shall certify and return the verdict to the district court of the county where the proceedings were instituted.

(d) The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected.

(e) An appeal on the third ground may be to the district court of any county wherein lands are affected. Such appeal shall be made within 30 days after the order allowing or disallowing the claim and shall be governed as far as applicable by the provisions of this subdivision."

Page 13, line 32, delete "9" and insert "12"

Page 13, line 33, delete "*sections 1 to 13 are*" and insert "*this act is*"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 11, after "districts;" insert "raising the petitioners' bond in certain drainage project cases and the appellant's bond in the case of certain appeals; clarifying the responsibility imposed on certain water project contractors;"

Page 1, line 19, after "Subdivision 9;" insert "105.463; 106.041; 106.631, Subdivision 2;"

The motion prevailed. So the amendment was adopted.

Mr. Wegener moved to amend H.F. No. 1919, as amended pursuant to Rule 49, adopted by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1847.)

Page 11, line 15, delete "11" and insert "40.07, subdivision 9,"

The motion prevailed. So the amendment was adopted.

H.F. No. 1919 was then progressed.

SPECIAL ORDER

H.F. No. 1737: A bill for an act relating to retirement; local police and salaried firefighters relief association; providing minimum disability benefit coverage for police officers and firefighters in certain local relief associations; providing for the recomputation of a disability benefit as a service pension upon the attainment of a certain age; providing service credit for periods of disability in certain instances; requiring the provision of less hazardous duty employment positions for marginally disabled police officers and firefighters; requiring offsets from disability benefits in certain instances; authorizing the establishment and operation of the West St. Paul firefighters relief association; validating prior actions by the West St. Paul firefighters relief association; clarifying and resolving an inconsistency in prior enactments concerning medical and health insurance coverage for certain relief association members; amending Laws 1974, Chapter 382, Sections 4, Subdivision 3, as amended; and 6, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 423A.

Mr. Spear moved to amend H.F. No. 1737, as amended pursuant to Rule 49, adopted by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1661.)

Page 6, line 15, after "*attorney fees*" insert a comma and delete "*or*" and

after "medical benefits" insert "or rehabilitation benefits"

The motion prevailed. So the amendment was adopted.

Mr. Vega moved to amend H.F. No. 1737, as amended pursuant to Rule 49, adopted by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1661.)

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 1980, Section 176.021, Subdivision 5, is amended to read:

Subd. 5. [ACCUMULATED CREDITS, ADDITIONAL PAYMENTS.] If employees of the state or a county, city or other political subdivision of the state who are entitled to the benefits of the workers' compensation law have, at the time of compensable injury, accumulated credits under a vacation, sick leave or overtime plan or system maintained by the governmental agency by which they are employed, the appointing authority may provide for the payment of additional benefits to such employees from their accumulated vacation, sick leave or overtime credits. Such additional payments to an employee may not exceed the amount of the total sick leave, vacation or overtime credits accumulated by the employee and shall not result in the payment of a total weekly rate of compensation that exceeds the weekly wage of the employee. Such additional payments to any employee shall be charged against the sick leave, vacation and overtime credits accumulated by such employee. *Employees of a county, city or other political subdivision entitled to the benefits of the workers' compensation law may receive additional benefits pursuant to a collective bargaining agreement or other plan, entered into or in effect on or after January 1, 1980, providing payments by or on behalf of the employer and these additional benefits may be unrelated to any accumulated sick leave, holiday or overtime credits and need not be charged against any accumulation; provided that the additional payments shall not result in the payment of a total weekly rate of compensation that exceeds the weekly wage of the employee.* The commissioner of the department of labor and industry for the state or the governing body of any county, city or other political subdivision to which the provisions of this chapter apply, may adopt rules and regulations not inconsistent with this chapter for carrying out the provisions hereof relating to payment of additional benefits to employees from accumulated sick leave, vacation or overtime credits or other sources."

Page 11, line 29, delete "6" and insert "7"

Page 11, line 30, delete "7" and insert "8" and delete "19" and insert "20"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, delete "retirement" and insert "employee benefits"

Page 1, line 2, after the semicolon, insert "permitting political subdivisions to provide additional benefits to those provided under workers' compensation law;"

Page 1, line 17, after the semicolon, insert "amending Minnesota Statutes 1980, Section 176.021, Subdivision 5;"

The motion prevailed. So the amendment was adopted.

H.F. No. 1737 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 2066: A bill for an act relating to local government; providing for city facilities related to armories; authorizing issuance of bonds; proposing new law coded in Minnesota Statutes, Chapter 193.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1469: A bill for an act relating to commerce; revising and modernizing laws relating to hotels; providing for the rights and duties of innkeepers and their guests; prohibiting certain practices; imposing penalties; amending Minnesota Statutes 1980, Section 363.03, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Sections 327.01 to 327.095.

Mr. Belanger moved to amend H. F. No. 1469, as amended pursuant to Rule 49, adopted by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1449.)

Page 3, line 14, delete everything after the period

Page 3, line 15, delete "*in subdivision 6,*"

Page 3, line 17, delete "\$1,000" and insert "*the actual value of the receptacle and its contents or the amount of the actual injury to the receptacle and its contents*"

Page 4, line 6, delete "*to 3*" and insert "*and 2*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1469 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1611: A bill for an act relating to garnishment; authorizing an employer to recover expenses incurred for administering garnishment of an employee's wages; amending Minnesota Statutes 1980, Section 571.57.

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 7, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Lindgren	Petty	Taylor
Bang	Davis	Luther	Pillsbury	Ulland
Belanger	Engler	Menning	Ramstad	Vega
Benson	Frederick	Moe, R. D.	Renneke	Waldorf
Berg	Frederickson	Nelson	Schmitz	Wegener
Bernhagen	Kamrath	Olhoft	Sikorski	Willet
Bertram	Knoll	Pehler	Solon	
Brataas	Kronebusch	Penny	Spear	
Chmielewski	Lantry	Peterson, D. L.	Stokowski	
Dahl	Lessard	Peterson, R. W.	Stumpf	

Those who voted in the negative were:

Dicklich	Kroening	Moe, D. M.	Stern	Tennessen
Frank	Merriam			

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CALL OF THE SENATE

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

RECONSIDERATION

Mr. Spear moved that the vote whereby S.F. No. 1637 failed to pass the Senate on March 9, 1982, be now reconsidered. The motion prevailed.

S.F. No. 1637: A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, Chapter 11A.

Mr. Taylor moved to amend S.F. No. 1637 as follows:

Page 2, after line 15, insert:

"Any financial institution that, after January 1, 1983, participates in any loans to the government of the Republic of South Africa or any South African government agency or to any South African national corporation, shall not be allowed to participate in purchasing any bonds offered for sale by the state of Minnesota."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Ashbach	Bernhagen	Frederickson	Menning	Ulland
Bang	Bertram	Kamrath	Penny	
Belanger	Brataas	Knutson	Peterson, D.L.	
Benson	Chmielewski	Kronebusch	Rued	
Berg	Frederick	Lindgren	Taylor	

Those who voted in the negative were:

Berglin	Kroening	Nelson	Renneke	Tennessee
Dahl	Langseth	Olhoft	Schmitz	Vega
Davies	Lantry	Pehler	Setzepfandt	Waldorf
Davis	Lessard	Peterson, C.C.	Sikorski	Wegener
Dieterich	Luther	Peterson, R.W.	Spear	Willet
Frank	Merriam	Petty	Stern	
Humphrey	Moe, D. M.	Pillsbury	Stokowski	
Knoll	Moe, R. D.	Ramstad	Stumpf	

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

S.F. No. 1637 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Bertram	Kamrath	Menning	Setzepfandt
Bang	Brataas	Knutson	Peterson, D. L.	Sieloff
Belanger	Chmielewski	Kronebusch	Pillsbury	Taylor
Benson	Davis	Langseth	Ramstad	Waldorf
Berg	Engler	Lessard	Renneke	Wegener
Bernhagen	Frederick	Lindgren	Rued	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that H.F. No. 1176 be taken from the table. The motion prevailed.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H.F. No. 1176. The Sergeant at Arms was instructed to bring in the absent members.

Pursuant to rule 22, Mr. Waldorf moved to be excused from voting on questions relating to H.F. No. 1176. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Mr. Merriam moved that the vote whereby the Wegener amendment to H.F. No. 1176 was adopted by the Senate on March 11, 1982, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 33 and nays 26, as follows:

Those who voted in the affirmative were:

Dahl	Hughes	Menning	Penny	Stokowski
Davies	Humphrey	Merriam	Peterson, C. C.	Stumpf
Davis	Knoll	Moe, D. M.	Peterson, R. W.	Tennessen
Dicklich	Kroening	Moe, R. D.	Petty	Vega
Dieterich	Langseth	Nelson	Setzepfandt	Willet
Frank	Lantry	Olhoft	Sikorski	
Hanson	Luther	Pehler	Stern	

Those who voted in the negative were:

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

The motion prevailed.

The question recurred on the Wegener amendment.

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

The roll was called, and there were yeas 27 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Sieloff moved to amend H. F. No. 1176, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 5, line 36, delete "10" and insert "11"

Page 8, after line 30, insert:

"Subd. 9. [LIABILITY LIMITS.] The liability of any person under this section shall not exceed \$250,000 to any plaintiff and \$500,000 for all claims arising out of the same release or threatened release."

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 41, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Kamrath	Pillsbury	Wegener
Bang	Brataas	Knutson	Renneke	
Belanger	Chmielewski	Kronebusch	Rued	
Berg	Engler	Lindgren	Sieloff	
Bernhagen	Frederickson	Peterson, D. L.	Ulland	

Those who voted in the negative were:

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

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

Mr. Ulland moved to amend H. F. No. 1176, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 5, line 36, delete "10" and insert "11"

Page 8, after line 30, insert:

"Subd. 9. [LIABILITY LIMITS.] The liability of any person under this section shall not exceed \$2,500,000 to any plaintiff and \$5,000,000 for all claims arising out of the same release or threatened release."

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 22 and nays 36, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Davies moved to amend H.F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1031.)

Page 2, line 2, delete "or personal injury"

Pages 5 and 6, delete subdivision 1 and insert:

"Subdivision 1. [GENERAL RULE.] Except as otherwise provided in subdivisions 3 to 10 and section 4, any person who is responsible for a release or threatened release of a hazardous substance from a facility, as an alternative to liability based upon any other provision or rule of law, shall be strictly liable, jointly and severally, for the following costs and damages which result from the release or threatened release or to which the release or threatened release significantly contributes:

(a) All reasonable and necessary costs of removal, or remedial action incurred by the state, a political subdivision of the state or the United States;

(b) Any other reasonable and necessary costs or expenses incurred by any

person to remove a hazardous substance; and

(c) All damages for actual economic loss or loss of natural resources resulting from such a release including:

(1) Any injury to, destruction of, or loss of any real or personal property, including relocation costs;

(2) Any loss of use of real or personal property;

(3) Any injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss;

(4) Any loss of past or future income or profits resulting from personal injury or disease or from injury to or destruction of real or personal property or natural resources without regard to the ownership of the property or resources; and

(5) All medical expenses, rehabilitation costs or burial expenses due to personal injury or disease."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 20, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lessard	Penny	Sieloff
Bang	Frank	Lindgren	Peterson, C. C.	Stern
Belanger	Frederickson	Menning	Peterson, D. L.	Stumpf
Berg	Hanson	Merriam	Petty	Tennessen
Bernhagen	Johnson	Moe, D. M.	Ramstad	Ulland
Brataas	Knutson	Moe, R. D.	Renneke	Willet
Davies	Kroening	Olhoft	Schmitz	
Davis	Langseth	Pehler	Setzepfandt	

Those who voted in the negative were:

Benson	Dahl	Humphrey	Lantry	Sikorski
Berglin	Dieterich	Kamrath	Luther	Spear
Bertram	Frederick	Knoll	Peterson, R. W.	Stokowski
Chmielewski	Hughes	Kronebusch	Rued	Vega

The motion prevailed. So the amendment was adopted.

Mr. Rued moved to amend H. F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 1031.)

Page 8, delete lines 3 to 11 and insert:

"Subd. 5. [OWNERS OF REAL PROPERTY.] An owner of real property is liable for damages under subdivision 1, clause (c), if the plaintiff shows by a preponderance of the evidence that the owner knew or reasonably should have known that a hazardous substance was present on the property before the release or threatened release, unless the owner notified the agency of the release or threatened release as soon as practicable after he knew about it."

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Ulland moved to amend H.F. No. 1176, as amended by the Senate March 11, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 1031.)

Page 5, line 36, delete "10" and insert "9"

Page 8, delete subdivision 9

Renumber the subdivisions in sequence

Pages 30 and 31, delete sections 24 and 25

Page 32, line 8, delete "26" and insert "24"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete "466.01, by adding a"

Page 1, line 12, delete everything before "Minnesota"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 14 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Knoll	Ramstad	Sieloff
Bang	Frederick	Kronebusch	Renneke	Ulland
Belanger	Kamrath	Peterson, D.L.	Rued	

Those who voted in the negative were:

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

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

H.F. No. 1176 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.

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

The roll was called, and there were yeas 51 and nays 12, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bang	Frederick	Kronebusch	Renneke	Sieloff
Belanger	Frederickson	Peterson, D. L.	Rued	Wegener
Berg	Kamrath			

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that S. F. No. 1031, No. 62 on Special Orders, be stricken and laid on the table. The motion prevailed.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce 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. 155: A bill for an act relating to public welfare; providing for retention of certain receipts by state hospitals; amending Minnesota Statutes 1980, Section 246.57.

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

Luknic, McCarron and Samuelson.

Senate File No. 155 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 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 five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 358: A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1980, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

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

Otis, Wynia, Jude, Sarna and Halberg.

Senate File No. 358 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 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. 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.

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

Reding, Rice and Kaley.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 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 five members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1758: A bill for an act relating to crimes; prohibiting conspiracies to violate controlled substances laws; clarifying the crime of escape from jail; prescribing penalties; amending Minnesota Statutes 1980, Section 609.485, Subdivision 3; proposing new law coded in Minnesota Statutes 1980, Chapter 152.

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

Kelly, Battaglia, Jude, Schreiber and Halberg.

Senate File No. 1758 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 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. 1821: A bill for an act relating to community corrections; clarifying and harmonizing the provisions of Minnesota Statutes relating to the administrative structure of participating counties, the composition of the corrections advisory board, the powers of probation officers, and the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1980, Sections 401.01, Subdivision 2; 401.02, Subdivisions 1, 3, and 4; 401.06; 401.08, Subdivisions 1 and 2; and 401.13.

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

Laidig, McCarron and Rice.

Senate File No. 1821 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 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 five members of the House, on the amendments adopted by the House to the following Senate File:

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.

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

Simoneau; Sieben, M.; Rose; Halberg and Norton.

Senate File No. 1964 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1982

Without objection, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of House Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H.F. No. 1532: A bill for an act relating to tort actions; prohibiting the causes of action for wrongful life and wrongful birth; prohibiting a defense, an award of damages, or a penalty based on the failure or refusal to prevent a live

birth; proposing new law coded in Minnesota Statutes, Chapter 145.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 9, 1982, be adopted; that committee recommendation being

“the bill be amended and when so amended the bill do pass.”

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 1532 was read the second time.

NOTICE OF RECONSIDERATION

Mr. Petty gave notice of his intention to move for reconsideration of the vote whereby H.F. No. 546 was passed by the Senate March 11, 1982.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Friday, March 12, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate