

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, April 20, 1983

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Luther 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. Richard F. Goebel.

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

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederick	Laidig	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, D.L.	Taylor
Bertram	Isackson	Luther	Peterson, R.W.	Ulland
Brataas	Johnson, D.E.	McQuaid	Petty	Vega
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D.M.	Reichgott	Willet
Dicklich	Knaak	Moe, R.D.	Renneke	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 15, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 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 1983	Date Filed 1983
	79	25	April 13	April 13
	121	26	April 13	April 13
	182	27	April 13	April 13
	236	28	April 13	April 13
	252	29	April 13	April 13
	298	30	April 13	April 13
107		31	April 13	April 13
128		32	April 13	April 13
207		33	April 13	April 13
269		34	April 13	April 13
325		35	April 13	April 13
327		36	April 13	April 13

Sincerely,

Joan Anderson Growe
Secretary of State

April 19, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 73, 81, 351, 552 and 589.

Sincerely,

Rudy Perpich, Governor

April 20, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 96.

Sincerely,

Rudy Perpich, Governor

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. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing

multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

Senate File No. 47 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1983

Mr. Moe, R.D. moved that S.F. No. 47 be laid on the table. The motion prevailed.

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. 164: A bill for an act relating to state government; removing the requirement of senate confirmation for appointment to certain state agencies; limiting terms of certain holdover appointees; formulating a procedure for senate and house confirmations; changing a time requirement for filing a statement of economic interest in certain cases; amending Minnesota Statutes 1982, sections 1.33; 3.9223, subdivision 1; 10A.09, subdivisions 1 and 3; 14.48; 15.0575, subdivision 2; 15.0597, subdivision 6; 15.06, subdivisions 2 and 5; 15.50, subdivision 1; 40.03, subdivision 1; 85A.01, subdivision 1; 105.401, subdivision 1; 115A.05, subdivision 2; 116E.02, subdivision 1; 116J.04; 121.82, subdivision 1; 121.844, subdivision 1; 182.664, subdivision 1; 250.05, subdivision 2; 299B.05, subdivision 1; 414.01, subdivision 2; 473.123, subdivision 4; 473.141, subdivision 3; 490.15, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1982, section 11A.07, subdivision 3.

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

Norton, Heinitz and Neuenschwander.

Senate File No. 164 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 76.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1983

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 76: 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, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 709. The motion prevailed.

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

S.F. No. 782: A bill for an act relating to highway traffic regulations; providing a penalty for the operation of a vehicle in a manner that endangers or is likely to endanger persons or property; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

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

Page 1, line 15, delete "*or any property*" and insert "*, including the driver or passengers of the vehicle,*"

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

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

S.F. No. 1067: A bill for an act relating to crimes; exempting participants in supervised research programs from arrest for certain driving violations; amending Minnesota Statutes 1982, section 169.121, by adding a subdivision.

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

Page 1, line 14, delete "*only*" and after "*applies*" insert "*only*"

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

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

S.F. No. 879: A bill for an act relating to courts; increasing mileage allowances for jurors; amending Minnesota Statutes 1982, section 593.48.

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

as follows:

Page 1, line 15, strike "promptly"

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

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

S.F. No. 924: A bill for an act relating to marriage dissolution; allowing separate summary judgment on the issue of dissolution; removing a conclusive presumption that each spouse made substantial contribution to acquiring certain property; excluding mediators' information except on consent of the parties; providing for deposing of investigators; amending Minnesota Statutes 1982, sections 518.13, by adding a subdivision; 518.167; and 518.58.

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

Page 1, line 23, after "1." insert "[COURT ORDER.]"

Page 1, line 25, strike "so"

Page 2, line 1, after "2." insert "[PREPARATION.]"

Page 2, line 15, delete the new language

Page 2, line 16, delete the new language and strike the period

Page 2, line 17, after "3." insert "[AVAILABILITY TO COUNSEL.]"

Page 2, line 21, delete "handwritten"

Page 2, line 22, delete "notes,"

Page 2, line 28, after the period, insert "*Mediation proceedings are not subject to discovery without written consent of both parties.*"

Page 2, line 32, after "4." insert "[USE AT HEARING.]" and after "received" insert "*in evidence*"

Page 3, line 1, before "Upon" insert "*Subdivision 1. [MARITAL PROPERTY.]*"

Page 3, line 23, before "If" insert "*Subd. 2. [OTHER PROPERTY.]*"

Page 4, line 2, before "If" insert "*Subd. 3. [SALE OF PROPERTY.]*"

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

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

S.F. No. 756: A bill for an act relating to negligence; removing bars to actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

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

Page 1, line 11, reinstate the stricken language

Page 1, line 12, reinstate the stricken language and delete "person" and insert "or section 352E.01, subdivision 2,"

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

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

S.F. No. 752: A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

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

Page 1, line 11, after "inflicts" insert "demonstrable"

Page 1, line 12, delete "two years" and insert "one year and a day"

Page 1, line 13, delete "\$2,000" and insert "\$1,000"

Page 1, line 22, reinstate "another" and delete the new language

Page 1, after line 22, insert:

"Sec. 3. [INSTRUCTIONS TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall change any reference to "assault in the fourth degree" to read "assault in the fifth degree" if the reference is to section 609.224."

Page 1, line 24, delete "and 2" and insert "to 3"

Renumber the sections in sequence

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

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 301: A bill for an act relating to the environment; imposing stricter criminal penalties for persons convicted of violating laws or rules relating to hazardous waste; providing that unlawful disposal of hazardous wastes is a felony; amending Minnesota Statutes, section 115.071, subdivision 2, and by adding subdivisions.

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

Page 4, line 2, after "chapters" insert "relating to disposal"

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

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

S.F. No. 845: A bill for an act relating to tort liability; providing for parallel exceptions for unimproved property of the state and municipalities; amending Minnesota Statutes 1982, section 466.03, by adding a subdivi-

sion.

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

Page 1, line 11, delete the comma and insert a period

Page 1, delete lines 12 to 14

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

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

S.F. No. 302: A bill for an act relating to juveniles; authorizing juvenile courts to release information about certain delinquency adjudications and dispositions; amending Minnesota Statutes 1982, section 260.161, subdivision 2.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Hearings may be continued or adjourned from time to time and, in the interim, the court may make any orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. In all delinquency cases a person, *or the parent or guardian of a minor person*, named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon *written* request, to be notified by the clerk of court in writing, at his last known address, of (1) *the name of the child against whom the petition was filed if the petition has been sustained, admitted, or found to be true*, (2) the date of the reference or adjudicatory hearings, and ~~(2)~~ (3) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1983, and applies to juvenile court records and information about acts of delinquency committed on or after that date.”

Amend the title as follows:

Page 1, line 5, delete “260.161, subdivision 2” and insert “260.155,

subdivision 1''

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

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

S.F. No. 964: A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.461, subdivisions 4, 6, and by adding a subdivision; and 302A.521, subdivision 6.

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

Page 2, after line 31, insert:

"Sec. 2. Minnesota Statutes 1982, section 302A.115, is amended by adding a subdivision to read:

Subd. 7. [LOST NAMES; USE BY OTHERS.] Each corporation formed before July 1, 1979, which has not filed the active status report required by Minnesota Statutes 1982, section 301.511, and which has not elected to become governed by chapter 302A before January 1, 1984, shall file that report with the secretary of state accompanied by a filing fee of \$10.

Each corporation which has not filed that report on August 1, 1983, loses its right to the exclusive use of its name. The corporation may reacquire the right to use that name by filing the report and paying the fee required by this subdivision, unless the name has been adopted for use or reserved by another person, in which case the report will be rejected unless the report can be accepted pursuant to subdivision 1, clause (d). A corporation which cannot reacquire the use of its corporate name shall adopt a new corporate name which complies with the provisions of section 302A.115.

Sec. 3. Minnesota Statutes 1982, section 302A.215, is amended to read:

302A.215 [CUMULATIVE VOTING FOR DIRECTORS.]

Subdivision 1. [VOTING RIGHTS.] Unless the articles provide that there shall be no cumulative voting, and except as provided in section 302A.223, subdivision 5, each shareholder entitled to vote for directors has the right to cumulate those votes in the election of directors by giving written notice of intent to cumulate those votes to any officer of the corporation before the meeting, or to the presiding officer at the meeting at which the election is to occur at any time before the election of directors at the meeting, in which case:

(a) The presiding officer at the meeting shall announce, before the election of directors, that shareholders shall cumulate their votes; and

(b) Each shareholder shall cumulate those votes either by casting for one candidate the number of votes equal to the number of directors to be elected

multiplied by the number of votes represented by the shares, or by distributing all of those votes on the same principle among any number of candidates.

Subd. 2. [MODIFICATIONS.] No amendment to the articles or bylaws which has the effect of denying, limiting, or modifying the right to cumulative voting for directors provided in this section shall be adopted if the votes of a proportion of the voting power sufficient to elect a director at an election of the entire board under cumulative voting are cast against the amendment.

Sec. 4. Minnesota Statutes 1982, section 302A.413, is amended by adding a subdivision to read:

Subd. 9. [MODIFICATION.] No amendment to the articles or board action pursuant to section 302A.401, subdivision 2, clause (b), which has the effect of denying, limiting, or modifying the preemptive rights provided in this section shall be adopted if the votes of a proportion of the voting power sufficient to elect a director at an election of the entire board under cumulative voting are cast against the amendment."

Page 6, after line 1, insert:

"Sec. 9. Minnesota Statutes 1982, section 302A.751, subdivision 1, is amended to read:

Subdivision 1. [WHEN PERMITTED.] A court may grant any equitable relief it deems just and reasonable in the circumstances or may dissolve a corporation and liquidate its assets and business:

(a) In a supervised voluntary dissolution pursuant to section 302A.741;

(b) In an action by a shareholder when it is established that:

(1) The directors or the persons having the authority otherwise vested in the board are deadlocked in the management of the corporate affairs and the shareholders are unable to break the deadlock;

(2) The directors or those in control of the corporation have acted fraudulently, illegally, or in a manner ~~persistently unfair~~ *unfairly prejudicial* toward one or more minority shareholders *in their capacities as shareholders, directors, or officers, or as employees of a closely-held corporation;*

(3) The shareholders of the corporation are so divided in voting power that, for a period that includes the time when two consecutive regular meetings were held, they have failed to elect successors to directors whose terms have expired or would have expired upon the election and qualification of their successors;

(4) The corporate assets are being misapplied or wasted; or

(5) The period of duration as provided in the articles has expired and has not been extended as provided in section 302A.801;

(c) In an action by a creditor when:

(1) The claim of the creditor has been reduced to judgment and an execution thereon has been returned unsatisfied; or

(2) The corporation has admitted in writing that the claim of the creditor is due and owing and it is established that the corporation is unable to pay its

debts in the ordinary course of business; or

(d) In an action by the attorney general to dissolve the corporation in accordance with section 302A.757 when it is established that a decree of dissolution is appropriate.

Sec. 10. Minnesota Statutes 1982, section 302A.751, is amended by adding a subdivision to read:

Subd. 3a. [CONSIDERATIONS IN GRANTING RELIEF INVOLVING CLOSELY-HELD CORPORATIONS.] In determining whether to order equitable relief, dissolution, or a buy-out, the court shall take into consideration the duty which all shareholders in a closely-held corporation owe one another to act in an honest, fair, and reasonable manner in the operation of the corporation and the reasonable expectations of the shareholders as they exist at the inception and develop during the course of the shareholders' relationship with the corporation and with each other."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "permitting the use of corporate names of corporations not filing the active status report; restricting the right of a corporation to deny cumulative voting; protecting preemptive rights of shareholders; clarifying when equitable relief is available to minority stockholders; providing for the retention of cumulative voting and preemptive rights after incorporation;"

Page 1, line 10, after the semicolon, insert "302A.115, by adding a subdivision; 302A.215; 302A.413, by adding a subdivision;"

Page 1, line 11, delete the second "and"

Page 1, line 12, before the period, insert "; and 302A.751, subdivision 1, and by adding a subdivision"

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

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

S.F. No. 641: A bill for an act relating to insurance; no-fault automobile; regulating the crime of driving without the required security; providing penalties; amending Minnesota Statutes 1982, section 65B.67, subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1982, section 65B.67, subdivision 3.

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

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1982, section 65B.44, subdivision 3, is amended to read:

Subd. 3. [DISABILITY AND INCOME LOSS BENEFITS.] Disability and income loss benefits shall provide compensation for 85 percent of the injured person's loss of present and future gross income from inability to work

proximately caused by the nonfatal injury subject to a maximum of \$200 per week. Loss of income includes the costs incurred by a self-employed person to hire substitute employees to perform tasks which are necessary to maintain his income, which he normally performs himself, and which he cannot perform because of his injury.

If the injured person is unemployed at the time of injury and is receiving or is eligible to receive unemployment benefits under chapter 268, but the injured person loses his eligibility for those benefits because of inability to work caused by the injury, disability and income loss benefits shall provide compensation for the lost benefits in an amount equal to the unemployment benefits which otherwise would have been payable, subject to a maximum of \$200 per week.

Compensation under this subdivision shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work which he was capable of performing but unreasonably failed to undertake.

For the purposes of this section "inability to work" means disability which prevents the injured person from engaging in any substantial gainful occupation or employment on a regular basis, for wage or profit, for which he is or may by training become reasonably qualified. If the injured person returns to his employment and is unable by reason of his injury to work continuously, compensation for lost income shall be reduced by the income received while he is actually able to work. *The weekly maximums may not be prorated to arrive at a daily maximum, even if the injured person does not incur loss of income for a full week.*

Page 1, line 12, after "2." insert "[UNINSURED OPERATION; MISDEMEANOR.]"

Page 1, line 15, strike "the" and insert "a"

Page 1, line 22, after "2a." insert "[UNINSURED OPERATION; GROSS MISDEMEANOR.]"

Page 2, after line 1, insert:

"Sec. 4. Minnesota Statutes 1982, section 169.974, subdivision 5, is amended to read:

Subd. 5. [DRIVING RULES.] (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for ~~such~~ *that* purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon ~~any~~ a motorcycle as a passenger unless, when sitting astride ~~his~~ *the* seat, ~~he~~ *the person* can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying *animals*, packages, bundles, or ~~articles~~ *other cargo* which prevent ~~him~~ *the person* from keeping both hands on the handlebars or in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) ~~All~~ Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle ~~shall~~ *may* be driven or operated in ~~such~~ a manner so as to deprive ~~any~~ a motorcycle of the full use of a traffic lane.

(g) ~~Every~~ A person operating a motorcycle upon a roadway ~~shall~~ *must* be granted ~~all~~ of the rights and ~~shall be~~ *is* subject to ~~all~~ of the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Clause (e) of this subdivision ~~shall~~ *does* not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated."

Page 2, after line 4, insert:

"Sec. 6. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "; no-fault automobile" and insert "and the operation of motor vehicles; prohibiting reparation obligors from prorating the disability and income loss benefits on a daily basis; prohibiting unsafe operation of motorcycles"

Page 1, line 5, delete "section" and insert "sections 65B.44, subdivision 3;"

Page 1, line 6, before the semicolon, insert "; and 169.974, subdivision 5"

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

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

S.F. No. 473: A bill for an act relating to highway traffic regulations;

providing for limitations on persons who must be brought to detoxification facilities; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by a medical or chemical analysis ~~thereof~~ of it, if the test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is *prima facie* evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the ~~absence of tests refusal to take a test~~ is admissible into evidence in a prosecution under this section ~~without any comment and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the absence and that no inference is to be drawn from the absence or an ordinance in conformity with it.~~

For purposes of this section 169.123, the result of an evidentiary test administered within two hours of the alleged violation is deemed to be the alcohol concentration at the time of the violation.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation.

Sec. 2. Minnesota Statutes 1982, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity ~~therewith~~ with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

(a) A person who violates this section or an ordinance in conformity

~~therewith~~ with it within five years of a prior conviction under this section, section 169.129, or an ordinance or statute from another state in conformity ~~therewith~~ with it; and

(b) A person who violates this section or an ordinance in conformity ~~therewith~~ with it within ten years of two or more prior convictions under this section, section 169.129, or an ordinance or statute from another state in conformity ~~therewith~~ with it.

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

When a person is convicted of repeated violations of this section or an ordinance in conformity with it under the circumstances described in clause (a) or (b), the person shall, at a minimum, be confined in jail or a minimum security facility, or admitted to an inpatient treatment or detoxification facility, for not less than 48 consecutive hours or shall be required to perform not less than ten days of alternative community service as directed by the court. Time spent in a detoxification facility incident to the arrest for the violation may be used to offset the period of confinement required by this paragraph. A sentence under this paragraph shall not be stayed.

Sec. 3. Minnesota Statutes 1982, section 169.121, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] A person convicted of violating this section shall have his driver's license or operating privileges revoked by the commissioner of public safety as follows:

(a) First offense: not less than ~~30~~ 90 days;

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

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

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

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

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

Sec. 4. Minnesota Statutes 1982, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a

controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity ~~therewith~~ *with it*; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.

(b) At the time a chemical test specimen is requested, the person shall be informed:

(1) that if testing is refused, the person's right to drive will be revoked for a period of six months *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4; and*

(2) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a period of ~~90~~ 120 days *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4; and*

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; ~~and~~

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing; *and*

(5) *that if he refuses to take a test, the refusal will be offered into evidence against him at trial.*

Sec. 5. Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person

shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a test at the request and direction of a peace officer shall be fully trained in the administration of the tests ~~pursuant to standards promulgated by rule by the commissioner of public safety.~~

Sec. 6. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of six months *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4.* Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of ~~90~~ 120 days *and if the person's driving privilege has previously been cancelled, suspended, or revoked as a result of an alcohol-related incident, the revocation period will conform with section 169.121, subdivision 4.*

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided ~~herein~~ for revocation, subject to review as ~~hereinafter~~ provided.

Sec. 7. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Delete the title and insert:

“A bill for an act relating to traffic regulations; removing restrictions on use at trial of an accused’s refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; providing penalties; amending Minnesota Statutes 1982, sections 169.121, subdivisions 2, 3, and 4; and 169.123, subdivisions 2, 3, and 4.”

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

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 318: A bill for an act relating to alcohol and other drug abuse; requiring certain persons to report suspected chemical abuse by minors; establishing certain duties of certain chemical dependency counselors; proposing new law coded in Minnesota Statutes, chapter 260.

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

Delete everything after the enacting clause and insert:

“Section 1. [626.5585] [REPORTING OF CHEMICAL ABUSE BY MINORS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) “Chemical abuse” or “abuse of chemicals” means use of any psychoactive or mood altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s normal functioning in academic, school, or social activities is chronically impaired.

(b) “Informed consent” means consent after the effect and possible consequences of giving consent have been explained in a manner understandable to the person giving consent.

(c) “Minor” means an individual under the age of 18.

(d) “Chemical dependency counselor” means a person with professional training to diagnose or evaluate and counsel minors who are abusing chemicals and who meets the requirements specified by rule for counselors in licensed outpatient programs. For the purposes of this section, a chemical dependency counselor must also be employed by or under contract with a school, school district, community mental health center, or local unit of government.

Subd. 2. [PERSONS REQUIRED TO REPORT.] A professional who while engaging in the practice of the social services, child care, or education, or his delegate, who has knowledge or reasonable cause to believe that a minor is abusing chemicals, shall immediately report the information to a chemical dependency counselor unless the professional has been consulted for the diagnosis or treatment of chemical dependency. Each school, school district, institution, facility, or agency that employs a professional or professionals required to report under this section shall designate a chemical dependency

counselor to whom the professional shall report. Nothing in this subdivision requires any report based on a minor's presence in an institution described in the Code of Federal Regulations, title 42, section 2.12 (a), or more than one report from any school, institution, facility, or agency.

Any person not required to report under this subdivision may voluntarily report to a chemical dependency counselor if the person has knowledge that a minor is abusing chemicals.

Subd. 3. [IMMUNITY FROM LIABILITY.] Any person, including persons voluntarily reporting and persons required to report under subdivision 2, who in good faith and exercising due care makes a report pursuant to this section, is immune from liability, civil or criminal, that otherwise might result by reason of the person's action, and shall not be held responsible financially for evaluation or treatment of the minor, unless the person is the minor's parent or legal guardian.

Subd. 4. [FALSE REPORTS.] Any person who willfully or recklessly makes a false report under this section is liable in a civil action for any actual damages suffered by the minor or minors so reported and for any punitive damages set by the court or jury.

Subd. 5. [REPORT.] A person required to report or voluntarily reporting under subdivision 2 to a chemical dependency counselor shall report orally. As soon as possible after reporting orally, a person required to report shall submit a written report to the chemical dependency counselor. A report shall be of sufficient content to identify the minor, the indicators of the minor's chemical abuse and the chemical or chemicals abused, if known, and the name of the reporter, and the address and telephone number at the reporter's place of employment.

Subd. 6. [DUTIES OF CHEMICAL DEPENDENCY COUNSELOR UPON RECEIPT OF REPORT.] The chemical dependency counselor shall investigate the report as soon as possible and, if indicated and consented to by the minor, diagnose or evaluate the minor. If the counselor recommends treatment, the chemical dependency counselor shall ensure that the minor receives information regarding available treatment alternatives that include educational instruction appropriate to the minor's educational level, unless the minor has completed secondary school. The responsibility of a school district for providing educational instruction and transportation, if needed, for the minor shall be determined in accordance with section 120.181.

Subd. 7. [MAINTENANCE, PRIVACY, AND DESTRUCTION OF RECORDS.] Each chemical dependency counselor who receives, maintains, or destroys records collected in accordance with this section shall comply with the Code of Federal Regulations, title 42, sections 2.1, et seq. and with chapter 13. An individual subject of a record shall have access to the record in accordance with that chapter and federal regulations, except that the name of the reporter shall be confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the minor upon request to the counselor. If upon investigation a report is found to be false or unsubstantiated, the chemical dependency counselor shall notify the minor of the counselor's intent to destroy the records. At the minor's request, the records shall be maintained as private data until two years after the minor attains the

age of majority. If the minor does not so request within 30 days of the notice of intent to destroy, the chemical dependency counselor shall destroy the records.

Subd. 8. [DISCLOSURE OF RECORDS.] Records related to a minor's alleged abuse of chemicals shall be disclosed only:

(a) with the minor's prior written informed consent, except that disclosure is limited to information necessary in light of the need or purpose for the disclosure and, where applicable, shall comply with Code of Federal Regulations, title 42, sections 2.1, et seq.; or

(b) as needed to medical personnel in a medical emergency; to qualified personnel for research, audits, or program evaluation, but those personnel shall not disclose the minor's identity; or as authorized by court order upon a showing of good cause.

Subd. 9. [COORDINATION.] The commissioner of public welfare shall coordinate efforts to implement the provisions of this section.

Subd. 10. [NOTICE.] The commissioners of health, education, and public welfare shall notify persons required to report under subdivision 2 of their duty to report and the provisions of this section.

Sec. 2. [EFFECTIVE DATE.]

This act is effective June 1, 1983."

Amend the title as follows:

Page 1, line 6, delete "260" and insert "626"

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

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

S.F. No. 726: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3, 4, and 11; 297A.05; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; and 297A.391; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, section 297A.251.

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

Page 2, line 3, delete "Such" and insert "This type of"

Page 3, line 22, strike "cable"

Page 4, line 1, before "which" insert "; linoleum, or other similar floor

covering”

Page 4, line 1, before “is” insert “, linoleum, or other similar floor covering”

Page 4, delete section 3

Page 4, delete lines 33 and 34

Page 4, line 35, delete “require”

Page 5, line 3, after the comma, delete “to” and insert “shall”

Page 5, line 12, after “business” insert “and which would not qualify as an isolated or occasional sale pursuant to section 297A.25, subdivision 1, clause (k)”

Page 5, delete section 5

Page 5, line 29, delete “for the purpose of evading” and insert “with the intent to evade”

Page 6, line 15, after “products” insert “except candy or candy products sold by a nonprofit organization operated primarily for the social and educational benefit of children aged 18 and younger”

Page 7, lines 35 and 36, reinstate the stricken language and delete the new language

Page 8, lines 1 to 3, delete the new language

Page 10, delete lines 15 and 16

Page 10, line 17, delete the new language and insert “shall not apply to building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract for use in the construction, alteration or repair of a building or facility”

Page 10, line 22, after “sale” insert “. For purposes of this subdivision, sales by a nonprofit organization shall be deemed to be “isolated or occasional” if they occur at sale events that have a duration of three or fewer consecutive days. The granting of the privilege of admission to places of amusement and the privilege of use of amusement devices by a nonprofit organization at an isolated or occasional event conducted on property owned or leased for a continuous period of more than 30 days by the nonprofit organization are also exempt. The exemption provided for isolated sales of tangible personal property and of the granting of admissions or the privilege of use of amusement devices by nonprofit organizations pursuant to this clause shall be available only if the sum of the days on which the organization and any subsidiary nonprofit organization sponsored by it that does not have a separate sales tax exemption permit conduct sales of tangible personal property, plus the days with respect to which the organization charges for the use of amusement devices or admission to places of amusement, does not exceed eight days in a calendar year. For purposes of this clause, a “nonprofit organization” means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, no part of the net earnings of which inures to the benefit of a private individual”

Page 11, line 25, delete “sales of”

Page 11, delete lines 26 and 27

Page 11, line 28, delete the new language and insert "*building, construction or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract for use in the construction, alteration or repair of a building or facility*"

Page 13, line 17, after "of" insert "*Minnesota Statutes 1980,*"

Page 13, line 25, strike "1978" and insert "1982"

Page 14, line 25, delete "*that is now*"

Page 15, line 17, delete " , *in an amount fixed by the*" and insert a period

Page 15, delete line 18

Page 15, line 21, delete "(a)"

Page 15, line 25, after the period, insert "*The commissioner may use statistical or other sampling techniques consistent with generally acceptable accounting principles in examining the returns or records.*"

Page 16, line 3, delete the new language

Page 16, delete lines 4 to 6

Page 17, line 11, strike "\$4,000" and insert "\$6,000"

Page 17, after line 33, insert:

"Sec. 13. Minnesota Statutes 1982, section 297B.03, is amended to read:
297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by any person described in and subject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and ~~(s)~~ (r).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974."

Page 17, line 35, delete "section" and insert "sections 297A.05 and" and delete "is" and insert "are"

Page 18, line 1, delete "4, 5, 10, and 14" and insert "3, 8, and 12"

Page 18, line 2, delete "3, 6, 8, 9, 11 to 13, and 15" and insert "4, 6, 7, 9 to 11, 13, and 14"

Page 18, line 3, delete everything after the period

Page 18, line 4, delete everything before "The"

Page 18, line 5, delete "7" and insert "5"

Page 18, line 7, delete "7" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete ", 4, and 11; 297A.05" and insert "and 4"

Page 1, line 15, after "subdivision;" delete "and" and after "297A.391;" insert "and 297B.03;"

Page 1, line 17, delete "section" and insert "sections 297A.05 and"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1048: A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; amending Minnesota Statutes 1982, section 97.45, subdivisions 1, 4, 5, 6, 7, and 12.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 65B.605, subdivision 2, is amended to read:

Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol and Minnesota conservation officers.

Sec. 2. Minnesota Statutes 1982, section 97.45, subdivision 1, is amended to read:

Subdivision 1. No person shall transport any wild animals taken, bought, sold or possessed in violation of chapters 97 to 102. *When transported, any wild animals, or any package, container, or receptacle in which they are contained, shall be tagged, sealed, or otherwise marked as prescribed by law or commissioner's order.*

Sec. 3. Minnesota Statutes 1982, section 97.45, subdivision 3, is amended to read:

Subd. 3. ~~Any A licensed resident, except agents or employees of a common carrier while engaged in the performance of their duties, may carry with him in any vehicle or as baggage on a common carrier, to any place within the state,~~

who accompanies the shipment may transport wild animals lawfully taken and possessed, including undressed game birds and dressed or undressed fish, lawfully in his possession and subject to all other applicable restrictions, and to any place in the state in any vehicle or as baggage on a common carrier. A licensed resident who accompanies the shipment may transport the head or hide of a deer, bear, or moose, lawfully taken and possessed, to any place within or outside the state for the purpose of mounting or tanning. A common carriers carrier may transport such wild animals as baggage within the limits prescribed as provided in this subdivision when accompanied by a licensed resident except an employee of the common carrier while engaged in the performance of his duties.

Sec. 4. Minnesota Statutes 1982, section 97.45, subdivision 4, is amended to read:

Subd. 4. ~~Any~~ A licensed resident who does not accompany the shipment may transport by common carrier to any point in the county of his residence, consigned to himself only, the following wild animals lawfully taken and possessed: (a) not more than three separate shipments of undressed birds, when consigned to the licensed resident and shipped to any place in the county of his residence. Each of which shipment may contain all the number of the birds which could lawfully be taken within the state on any single day, but not to contain more than a single day's limit of any species. Such resident may transport during any one open season and the next following two days, or at any time thereafter under conditions which the commissioner may prescribe; (b) one deer, one bear, and one moose, which has been lawfully taken and possessed, and but only during an open season or the first two days after the close of the season unless the commissioner prescribes another time when they may be transported. The licensed resident may transport the head or hide of such the deer, bear, or moose for mounting or tanning purposes to a point place within or without outside the state; but if such deer or moose is not transported by common carrier, the licensee must accompany such deer or moose for the purpose of mounting or tanning; and (c) dressed or undressed fish, taken during the open season for taking the fish, when consigned to the licensed resident and shipped to any place in the state.

Sec. 5. Minnesota Statutes 1982, section 97.45, subdivision 6, is amended to read:

Subd. 6. (1) A licensed nonresident who does not accompany the shipment may transport by common carrier to a point place within or without outside this state in any one season one shipment containing of fish lawfully taken and possessed in any one licensing year upon obtaining a shipping permit from the commissioner or his agent. The shipment may contain: (a) not more than 25 pounds of undressed fish or; (b) one undressed fish of any size lawfully taken and possessed by him in this state, or containing; or (c) not more than 15 pounds of filleted or dressed game fish so taken and possessed, if packaged as hereinafter provided. A shipping coupon designed for the purposes of this subdivision may be issued for each individual nonresident fishing license, and two coupons for a combination nonresident fishing license, such coupons. A shipping permit shall be issued upon request and without payment of a fee, and such coupons shall be cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered. In the case of a nonresident combination angling license, each licensee shall be eligible for one shipping permit for each licensing year.

(2) Such A licensed nonresident may carry with him who accompanies the

shipment may transport dressed or undressed fish lawfully taken or possessed in any vehicle or on a common carrier to any point place within or without outside the state undressed fish lawfully taken by him, not exceeding the limit, which he is authorized to possess within the state, provided that bullheads may be so transported either dressed or undressed, or may so carry with him filleted or dressed fish lawfully taken by him, not exceeding the possession limit nor containing more than 45 pounds, if packaged as herein-after provided.

(3) For the purposes of the foregoing provisions of this subdivision undressed fish of any species may have the heads removed.

(4) *A licensed nonresident who does not accompany the shipment may transport filleted or dressed game fish may be transported by common carrier only if the shipped in a container which bears the name and license number of the shipper; the name of the person preparing the container for shipment; his and the license number of that person as issued under section 98.46, subdivision 5; and the number and, species and net weight of the fish contained, and the net weight thereof in the container.*

(5) Each licensee authorized to prepare dressed game fish for shipment shall maintain a permanent record of the name, address and license number of each licensed fisherman making such a shipment, the name and address of the consignee, the number and, species and net weight of fish contained in the shipment, the net weight thereof, and such. The records shall be available to for inspection by state conservation officers at all times.

(6) Notwithstanding any law to the contrary, a nonresident under the age of 16 may take fish by angling without procuring a license, if their the nonresident's parent or guardian has obtained a nonresident the appropriate fishing license. Fish so taken shall be included in the daily and possession limit of the parent or legal guardian.

Sec. 6. Minnesota Statutes 1982, section 97.45, subdivision 7, is amended to read:

Subd. 7. *Any (a) A licensed nonresident licensee who accompanies the shipment may transport by the following wild animals, other than fish, lawfully taken and possessed in any means, consigned to himself only, vehicle or as baggage on a common carrier to any point place within or without outside this state, not to exceed: (1) the number of undressed game birds which he is entitled to possess at any one time, and; (2) one deer, lawfully taken and possessed within this state, and provided that the nonresident licensee shall accompany such game birds or deer except when they are being transported by common carrier and one bear during the time provided in subdivision 4, clause (b); and (3) other wild animals lawfully taken and possessed in Minnesota. A common carriers are hereby permitted to carrier may carry such wild animals as baggage as provided in this clause.*

(b) A licensed nonresident who does not accompany the shipment may transport the wild animals, other than fish, as described in clause (a) by common carrier to any place within or outside the state when the shipment is consigned to the licensed nonresident, provided that a shipping permit must be obtained from the commissioner or his agent for the transportation of any undressed game birds. The permit shall be issued upon request and without payment of a fee, and cancelled as prescribed by the commissioner by the agent of the carrier to whom the shipment is first delivered.

Sec. 7. Minnesota Statutes 1982, section 97.45, subdivision 12, is

amended to read:

Subd. 12. All ~~shipments of~~ protected wild animals *transported* by common carrier, ~~or including shipments~~ carried as baggage, shall have attached a statement signed by the licensee showing his name, address and license number and the number and species of wild animals contained *in the shipment, including fish. If fish are contained, the statement also shall show the number of pounds thereof* and The shipment shall have attached to it any shipping coupon *or permit* required by law *or commissioner's order*.

Sec. 8. Minnesota Statutes 1982, section 609.487, subdivision 2, is amended to read:

Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol and *Minnesota conservation officers*.

Sec. 9. [REPEALER.]

Minnesota Statutes 1982, section 97.45, subdivision 5, is repealed.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; strengthening certain laws regarding the transportation of wild animals; including conservation officer in the definition of peace officer for purpose of laws relating to fleeing a peace officer; amending Minnesota Statutes 1982, sections 65B.605, subdivision 2; 97.45, subdivisions 1, 3, 4, 6, 7, and 12; and 609.487, subdivision 2; repealing Minnesota Statutes 1982, section 97.45, subdivision 5."

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

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

S.F. No. 709: A bill for an act relating to liens on personal property; adopting the Council of State Government Model Act; proposing new law coded in Minnesota Statutes, chapter 514.

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

Page 2, line 17, delete the comma

Page 2, line 18, delete "except"

Page 2, line 30, delete everything after the period

Page 2, delete lines 31 to 36

Page 3, delete lines 1 to 5 and insert "*The lien provided for in this section is superior to any other security interest except those which are perfected*

prior to the date the lien provided for in this section attaches."

Page 3, line 13, delete "*this act*" and insert "*sections 1 to 4*"

Page 6, line 19, delete "*, but*" and insert "*subject to the rights of any lienholder with priority under section 3. The lien rights of a prior lienholder are automatically transferred to the proceeds of the sale. If the sale or other disposition is made in good faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge for a deficiency in the amount of a prior secured lien. The owner*"

Page 6, line 19, after "*balance*" insert a comma

Page 7, after line 14, insert:

"Sec. 5. [514.99] [RENTAL AGREEMENTS.]

The rental agreement between the owner and the occupant shall set forth (a) the lien rights of the owner upon failure of the occupant to pay rent, and (b) the extent and the limits of insurance carried by the owner and covering the occupant's personal property stored in the leased premises."

And when so amended the bill do pass, Mrs. Adkins questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 548: A bill for an act relating to traffic regulations; providing for limitations on persons who must be brought to detoxification centers; providing for commitment of certain driving-while-intoxicated offenders; providing for withholding of driving privileges until detoxification costs are paid; amending Minnesota Statutes 1982, section 169.1231.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 169.121, subdivision 8, is amended to read:

Subd. 8. [ALCOHOL ASSESSMENT.] When the evidentiary test shows an alcohol concentration of 0.07 or more, that result ~~shall~~ *must* be reported to the commissioner of public safety. The commissioner shall record that fact on the driver's record. ~~When the driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report, the commissioner may require that the driver have an alcohol problem assessment meeting the commissioner's requirements. The commissioner shall require that the driver have an alcohol problem assessment at a facility licensed by the commissioner of public welfare or at an assessment program approved by a county board within seven days after the occurrence of any of the following:~~

(a) *The chemical test shows an alcohol concentration of 0.10 or more;*

(b) *The driver's record shows a second or subsequent report of an alcohol concentration of 0.07 or more within two years of a recorded report;*

(c) When no test is administered for whatever reason and a peace officer who stops the driver has reasonable cause to believe the person is driving, operating, or in physical control of a motor vehicle while under the influence of alcohol and has a prior alcohol-related driving offense or a prior license revocation pursuant to section 169.123. The court may use the assessment in lieu of a presentence investigation pursuant to a conviction under section 169.121 or when a violation of that section is charged and a conviction for a lesser offense results.

The assessment ~~shall~~ must be at the driver's expense. *If the assessment so indicates, an appropriate referral for treatment must be made. In no event shall* The commissioner ~~deny~~ shall revoke the license of a person who refuses to take the assessment or to undertake treatment, if treatment is indicated by the assessment, for ~~longer than 90 days~~ six months after appropriate notice and hearing. If an assessment is made pursuant to under this section, the commissioner may waive the assessment required by section 169.126.

Sec. 2. Minnesota Statutes 1982, section 169.123, subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, physician's trained mobile intensive care paramedic, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the presence of alcohol or controlled substance. This limitation does not apply to the taking of a breath or urine specimen. The person tested has the right to have a person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. The physician, medical technician, physician's trained mobile intensive care paramedic, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcohol concentration shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering a test at the request and direction of a peace officer shall be fully trained in the administration of the tests pursuant to standards promulgated by rule by the commissioner of public safety.

Sec. 3. Minnesota Statutes 1982, section 169.1231, is amended to read:

169.1231 [DRIVING WHILE UNDER THE INFLUENCE; DETOXIFICATION.]

Subdivision 1. [GROUNDS FOR TAKING DRIVER TO DETOXIFICATION CENTER OR ALCOHOL DRUG REHABILITATION CENTER FACILITY.] Whenever a peace officer administers a preliminary screening test to a person and the test results indicate a blood alcohol content of .10 or more, the peace officer shall either take the person to a detoxification center or alcohol drug rehabilitation center facility established pursuant to section 254A.08, or arrange for another authorized person to do so, *when the peace*

officer has reason to believe that the person is in imminent danger of injuring himself or others and the police officer has reason to believe the person is immediately in need of the services provided by a detoxification facility established pursuant to section 254A.08. A peace officer shall may also take, or arrange for another authorized person to take to a detoxification center or alcohol drug rehabilitation center facility established pursuant to section 254A.08, any person who refuses to take a preliminary screening test if the officer has reasonable and probable grounds to believe that the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith with it, and the person reasonably appears to the officer to be too intoxicated to resume driving safely.

The detoxification facility must make an evaluation, an assessment, and if necessary, an appropriate referral before releasing the intoxicated person under subdivision 2.

Subd. 2. [DETOXIFICATION CENTER OR ALCOHOL DRUG REHABILITATION CENTER FACILITY; RELEASE PROCEDURE.] *The intoxicated person admitted to the detoxification center or alcohol drug rehabilitation center to which a person is transported pursuant to facility under subdivision 1 shall hold the person until he is completely sober, unless another responsible person appears and requests that the intoxicated person be released for the purpose of taking him home or to a medical facility. The person requesting release of the intoxicated person shall assure that the intoxicated person does not drive until completely sober; an intentional violation of this assurance is a misdemeanor remain in the facility until an evaluation, an assessment, and, if necessary, an appropriate referral is completed. However, no person may be held for longer than 36 hours unless an emergency admission under section 253B.05 is established.*

Subd. 3. [INTOXICATED PERSON TO PAY COSTS.] *A person taken to a detoxification center or alcohol drug rehabilitation center pursuant to facility under this section shall pay the detoxification center or alcohol drug rehabilitation center facility for the cost of his the stay, transportation, treatment, and other expenses in the detoxification center or alcohol drug rehabilitation center facility, if he the person does not meet the standards of indigency necessary to qualify for the services of the public defender and does not have health insurance coverage which would pay for this cost. If the driving privileges of the person are suspended or revoked under section 169.121 or 169.123, or 171.17, clause (2), the commissioner of public safety may not restore the driving privileges until the commissioner has been notified that the person did not receive detoxification services, or that the person has paid the costs and expenses required under this subdivision."*

Delete the title and insert:

"A bill for an act relating to traffic regulations; providing for mandatory alcohol assessment for drivers in certain cases; providing for commitment of certain driving while intoxicated offenders to detoxification facilities; providing for detoxification evaluation, assessment, and referral; withholding driving privileges for offenders until they have paid the costs for the detoxification services; amending Minnesota Statutes 1982, sections 169.121, subdivision 8; 169.123, subdivision 3; and 169.1231."

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

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 545: A bill for an act relating to welfare; changing laws relating to child support enforcement; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87, subdivision 1a, and by adding subdivisions; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.551, subdivisions 1, 5, and 6, and by adding a subdivision; 518.611, subdivisions 1 and 4, and by adding subdivisions; 518.64, subdivisions 2 and 5; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 256.74, is amended by adding a subdivision to read:

Subd. 5. [ASSIGNMENT OF SUPPORT AND MAINTENANCE RIGHTS.] An applicant for assistance, or a recipient of assistance, under sections 256.72 to 256.87, is considered to have assigned to the public agency responsible for child support enforcement, at the time of application, all rights to child support and maintenance from any other person the applicant may have, in his own behalf or in the behalf of any other family member for whom application is made. The assignment:

(1) Is effective as to both current and accrued child support and maintenance obligations.

(2) Takes effect upon a determination that the applicant is eligible for assistance under sections 256.72 to 256.87.

(3) Terminates when an applicant ceases to receive assistance under sections 256.72 to 256.87, except with respect to the amount of any unpaid support or maintenance obligation, or both, accrued under the assignment.

Sec. 2. Minnesota Statutes 1982, section 256.87, is amended to read:

256.87 [CONTRIBUTION BY PARENTS; ~~AMENDMENTS; REPEALS.~~]

Subdivision 1. [ACTIONS AGAINST PARENTS FOR ASSISTANCE FURNISHED.] At any time during the continuance of assistance to a child granted under sections 256.72 to 256.87 *except as set forth below*, a parent of a child is liable for the amount of assistance furnished during the two years immediately preceding the commencement of the action which the parent is reasonably able to pay. *Provided, however, that where child support has been previously ordered, the state or county agency providing the assistance, as assignee of the obligee, shall be entitled to judgments for child*

support payments accruing within ten years preceding the date of the commencement of the action to collect. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which the assistance was granted, or by the state agency against the parent for the recovery of the amount of assistance granted, together with the costs and disbursements of the action.

Subd. 1a. [CONTINUING SUPPORT CONTRIBUTIONS.] 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 support contributions by a parent found able to reimburse the county or state agency. *Except as provided in subdivision 4, the order shall be effective only for the period of time during which the recipient receives public assistance from the any county or state agency and for 90 days thereafter the order shall require support according to chapter 518. An order for continuing contributions is reinstated without further hearing upon notice to the parent by the any county or state agency that assistance is again being provided for the child of the parent under sections 256.72 to 256.87. The notice shall be in writing and shall indicate that the parent may request a hearing for modification of the amount of support or maintenance ; the amount required to be paid, and the conditions under which income withholding can occur. In any order modifying the amount of support or maintenance, the court may, if appropriate, make the modification retroactive to the date of automatic reinstatement.*

Subd. 2. [NOT TO BE VESTED RIGHT.] All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed. No recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Subd. 4. [CONTINUING CONTRIBUTIONS TO FORMER RECIPIENT.] *The order for continuing support contributions shall remain in effect following the 90 day period after public assistance granted under sections 256.72 to 256.87 is terminated if:*

(a) the former recipient files an affidavit with the court within 90 days of the termination of assistance requesting that the support order remain in effect;

(b) the public authority serves written notice of the filing by mail on the parent responsible for making the support payments at that parent's last known address and notice that the parent may move the court under section 518.64 to modify the order respecting the amount of support or maintenance; and

(c) the former recipient makes an application to use the public authority's collection services.

Subd. 5. [ORDER FOR MODIFICATION.] *In any order modifying the amount of support or maintenance under this section, the court may make the modification retroactive to the date public assistance was terminated or reinstated.*

Subd. 6. [CHILD NOT RECEIVING ASSISTANCE.] *A parent having custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent*

parent. Upon an order to show cause and a motion served on the absent parent, the court shall order child support payments from the absent parent under chapter 518.

Sec. 3. [257.541] [CUSTODY AND VISITATION OF CHILDREN BORN OUTSIDE OF MARRIAGE.]

Subdivision 1. [MOTHER'S RIGHT TO CUSTODY.] The natural mother of a child born to a mother who was not married to the child's father neither when the child was born nor when the child was conceived has sole custody of the child until paternity has been established.

Subd. 2. [FATHER'S RIGHT TO VISITATION.] (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of visitation or custody are determined under sections 518.17 and 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the natural father may petition for rights of visitation or custody in a separate proceeding under section 518.156.

Sec. 4. Minnesota Statutes 1982, section 257.55, subdivision 1, is amended to read:

Subdivision 1. [PRESUMPTION.] A man is presumed to be the natural father of a child if:

(a) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court;

(b) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with ~~the district court or~~ the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth certificate; or

(3) he is obligated to support the child under a written voluntary promise

or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child; or

(e) He ~~acknowledges~~ *and the child's natural mother acknowledge* his paternity of the child in a writing *signed by both of them under section 257.34 and filed with the district court or the state registrar of vital statistics; which shall promptly inform the mother of the filing of the acknowledgment; and she does not within a reasonable time after being informed thereof dispute the acknowledgment in a writing filed with the district court or the state registrar of vital statistics.* If another man is presumed under this clause to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted.

Sec. 5. Minnesota Statutes 1982, section 257.58, is amended to read:

257.58 [LIMITATION OF ACTIONS; EXCEPTIONS.]

Subdivision 1. [ACTIONS FOR CHILDREN WITHOUT A PRESUMED FATHER.] Except for (a) an action brought by or on behalf of a child whose paternity has not been determined, and (b) an action brought by the public authority responsible for child support enforcement, if a child is over three years old when he or she first receives public assistance in the state of Minnesota, an action to determine the existence of the father and child relationship as to a child who has no presumed father under section 257.55 may not be brought later than three years after the birth of the child, or later than three years after August 1, 1980, whichever is later. An action brought by or on behalf of a child whose paternity has not been determined is not barred until one year after the child reaches the age of majority. If a child is over three years old when he or she first receives public assistance in the state of Minnesota, an action brought by the public authority responsible for child support enforcement is not barred until three years after the public assistance is first provided in this state.

Subd. 2. [HEIRSHIP.] Section 257.57 and this section do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

Sec. 6. Minnesota Statutes 1982, section 257.59, subdivision 1, is amended to read:

Subdivision 1. [COURT JURISDICTION.] Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 257.51 to 257.74. In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 257.51 to 257.74. The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support.

Sec. 7. Minnesota Statutes 1982, section 257.60, is amended to read:

257.60 [PARTIES.]

The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed

by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. ~~The court may appoint the commissioner of public welfare as guardian ad litem for the child.~~ If the child is a minor and the case involves a compromise under section 257.64, subdivision 1 or a lump sum payment under section 257.66, subdivision 4, the child and the commissioner of public welfare shall each be made a party and the commissioner of public welfare shall be appointed as guardian ad litem before the court approves a compromise or orders a lump sum payment. The natural mother, each man presumed to be the father under section 257.55, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. *A person who may bring an action under section 257.57 may be made a party to the action.* The court may align the parties.

Sec. 8. Minnesota Statutes 1982, section 257.62, subdivision 1, is amended to read:

Subdivision 1. [BLOOD TESTS REQUIRED.] The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests ~~or genetic tests, or both.~~ *If the alleged father is dead, the court may, and upon request of a party shall, require the decedent's parents or brothers and sisters or both to submit to blood tests.* However, in a case involving these relatives of an alleged father, who is deceased, the court may refuse to order blood tests if the court makes an express finding that submitting to the tests presents a danger to the health of one or more of these relatives that outweighs the child's interest in having the tests performed. Unless the person gives consent to the use, the results of any blood tests of the decedent's parents, brothers, or sisters may be used only to establish the right of the child to public assistance including but not limited to social security and veterans' benefits. The tests shall be performed by a qualified expert appointed by the court.

Sec. 9. Minnesota Statutes 1982, section 257.62, is amended by adding a subdivision to read:

Subd. 5. [NOTICE.] *A party calling a male witness for the purpose of testifying that he had sexual intercourse with the mother at a possible time of conception shall provide all other parties with the name and address of the witness 20 days before the trial or pretrial hearing. If a male witness is produced at the hearing for the purpose stated in this subdivision but the party calling the witness failed to provide the 20-day notice, the court may adjourn the proceeding for the purpose of taking a blood test of the witness prior to hearing the testimony of the witness, if the court finds that the party calling the witness acted in good faith.*

Sec. 10. Minnesota Statutes 1982, section 257.62, is amended by adding a subdivision to read:

Subd. 6. [POSITIVE TEST RESULTS.] *If the results of the blood tests indicate that the likelihood of the alleged father's paternity is more than 92 percent, upon motion the court shall order the alleged father to pay temporary child support determined according to chapter 518. The alleged father shall pay the support money into court pursuant to the rules of civil procedure to await the results of the paternity proceedings.*

Sec. 11. Minnesota Statutes 1982, section 257.64, subdivision 1, is amended to read:

257.64 [PRE-TRIAL ORDERS AND RECOMMENDATIONS.]

Subdivision 1. On the basis of the information produced at the pretrial hearing, *including information as to the financial status of the parties*, the court may, and if requested by a party, shall *evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration would be in the best interest of the child*. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice;

(b) *recommend* that the alleged father voluntarily acknowledge his paternity of the child if the parties have agreed on a financial settlement;

(c) *(b) recommend* that the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the court. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the court shall consider the best interest of the child, in the light of the applicable factors enumerated in section 518.17, subdivision 3, discounted by the improbability, as it appears to the court, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him. When the child reaches 21 years of age or older he may petition the court to disclose the alleged father's identity. The court shall grant the petition if after considering the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Sec. 12. Minnesota Statutes 1982, section 257.66, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT; ORDER.] The judgment or order shall contain provisions concerning the duty of support, the custody and guardianship of the child, the name of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. *Custody and visitation and all subsequent motions related to them shall proceed and be determined under section 3. These* The remaining matters and all subsequent motions related to them shall proceed and be determined in accordance with chapter 518. The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the

mother during her pregnancy and confinement.

Sec. 13. Minnesota Statutes 1982, section 257.66, subdivision 4, is amended to read:

Subd. 4. [STATUTE OF LIMITATIONS.] Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump sum payment may be ordered in lieu of periodic payments of support. The court shall limit the parent's liability for past support of the child to the proportion of the expenses that the court deems just, which were incurred in the ~~immediate preceding~~ two years ~~immediately preceding the commencement of the action.~~

Sec. 14. Minnesota Statutes 1982, section 257.69, subdivision 2, is amended to read:

Subd. 2. [GUARDIAN; LEGAL FEES.] The court may order ~~reasonable counsel, expert witnesses, witness~~ and guardian ad litem fees, and other costs of the trial and pre-trial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. *The agency responsible for child support enforcement shall pay the fees and costs for blood tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood tests.* When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the clerk of court.

Sec. 15. Minnesota Statutes 1982, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

- (a) The name and address of the petitioner;
- (b) The name and, if known, the address of the respondent;
- (c) The place and date of the marriage of the parties;
- (d) In the case of a petition for dissolution, that either the petitioner or the respondent or both:
 - (1) Has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
 - (2) Has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
 - (3) Has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;
- (e) The name, age and date of birth of each *living* minor or dependent child

of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;

(f) Whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) In the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;

(h) In the case of a petition for legal separation, that there is a need for a decree of legal separation; and

(i) Any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 16. Minnesota Statutes 1982, section 518.17, is amended by adding a subdivision to read:

Subd. 5. [DEVIATION FROM GUIDELINES.] The court shall not order the noncustodial parent to pay support in an amount below the appropriate amount determined from the guidelines in section 18 for use in public assistance cases unless the court makes express findings of fact as to the reason for the lower order.

Sec. 17. Minnesota Statutes 1982, section 518.551, subdivision 1, is amended to read:

~~Subdivision 1. [ORDER PAYMENT TO PUBLIC AGENCY.] Whenever an obligation for support of a dependent child or maintenance of a spouse, or both, in a proceeding for dissolution or legal separation or determination of parentage, has been determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.~~

~~Each order shall provide that the obligor's employer, trustee, or other payor of funds shall withhold from the obligor's income, regardless of source, an amount equal to the court's order for support or maintenance.~~

The court shall direct that all payments ordered for maintenance and support be made to the public agency responsible for child support enforcement so long as the obligee is receiving or has applied for public assistance. Amounts received by the public agency responsible for child support enforcement greater than the amount granted to the obligee shall be remitted to the obligee.

Sec. 18. Minnesota Statutes 1982, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] The peti-

tioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families of *with* dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, ~~the public authority shall recommend to the court the support that is proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.~~ shall set child support by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401 - 500	14%	17%	20%	22%	24%	26%	28%
\$501 - 550	15%	18%	21%	24%	26%	28%	30%
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001 and over	25%	30%	35%	39%	43%	47%	50%

Net Income defined as:

Total monthly
income less

- *(1) Federal Withholding Tax
- *(2) State Income Tax
- (3) Social Security Deductions
- (4) Mandatory Pension Deductions
- (5) Union Dues
- (6) Dependent Health Insurance Coverage
- (7) Individual Health/Hospitalization Coverage or Medical Expense Deductions not to exceed \$25 a month.

*Standard
Deductions apply-
use of tax tables
recommended

(a) The child support payment guidelines take into consideration the following criteria:

- (1) all earnings, income, and resources of the obligor including real and personal property;
- (2) the basic living needs of the obligor;
- (3) the financial needs of the child or children to be supported; and
- (4) the amount of the aid to families with dependent children grant for the

child or children.

(b) Debts owed to private creditors are not to be considered in establishing a support obligation.

(c) Previous support orders and alimony orders may be considered if the obligor is paying them.

(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure from the guidelines in that case in which the court orders support that deviates from the guidelines.

Sec. 19. Minnesota Statutes 1982, section 518.551, subdivision 6, is amended to read:

Subd. 6. [FAILURE OF NOTICE.] If the court in a dissolution, legal separation or determination of parentage proceeding, finds before issuing the order for judgment and decree, that notification has not been given to the public authority, the court shall ~~order that notification be made and shall not issue its order for judgment and decree until the public authority has made its recommendations set child support according to the guidelines in section 18.~~ In those proceedings in which no notification has been made pursuant to this section and in which the public authority determines that the judgment is ~~not proper and adequate for the care and support of the child or children lower than the child support required by the guidelines in section 18,~~ it ~~may~~ shall move the court for a redetermination of the support payments ordered so that the support payments comply with the guidelines.

Sec. 20. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 8. [HEALTH INSURANCE OR PLAN.] The court shall also include in the requirements for each child support order a provision naming the child as a beneficiary on whatever medical, hospitalization or dental insurance or plan is available to the obligor on a group basis through his or her employer or union.

Sec. 21. Minnesota Statutes 1982, section 518.551, is amended by adding a subdivision to read:

Subd. 9. [ASSIGNMENT OF RIGHTS; JUDGMENT.] The public agency responsible for child support enforcement is joined as a party in each case in which rights are assigned under section 1. When arrearages are reduced to judgment, the court shall grant judgment in favor of, and in the name of, the public agency to the extent that the arrearages are assigned. The public agency may enforce a judgment entered before the assignment of rights as if the judgment were granted to it, and in its name, to the extent that the arrearages in that judgment are assigned.

Sec. 22. Minnesota Statutes 1982, section 518.611, is amended to read:

518.611 [ASSIGNMENTS INCOME WITHHOLDING.]

Subdivision 1. [ORDER.] Whenever an obligation for support of a de-

pendent child or maintenance of a spouse, or both, ~~in a proceeding for dissolution or legal separation or determination of parentage, has been~~ is determined and ordered by a court of this state, that court shall order the withholding of the amount of child support or maintenance as determined by court order, from the income, regardless of source, of the person obligated to pay the support or maintenance. When an order for withholding has not previously been secured, the obligee may or the public agency responsible for child support enforcement shall move the court, and the court shall grant the order.

Subd. 2. [NOTICE TO OBLIGOR OF CONDITIONS.] Each order for withholding shall provide for a conspicuous notice to the obligor that withholding may result if the obligor fails to make the maintenance or support payments, and that no withholding shall be made until the following conditions are met:

(a) The obligee or the public authority determines that the obligor is at least 30 days in arrears;

(b) The obligee or the public authority serves written notice of its determination of arrearage on the obligor at least 15 days before service of the determination and a copy of the court's order for withholding on the payor of funds;

(c) Within the 15 day period, the obligor has either failed to pay all arrearages or to move the court, under section 518.64, to modify the order respecting the amount of maintenance or support and, ex parte, to stay service on the payor of funds until the motion to modify is heard; and

(d) The obligee or the public authority serves a copy of the determination of arrearage and a copy of the court's withholding order on the payor of funds.

(e) The obligee shall also serve on the public authority a copy of the determination of arrearage, a copy of the court's withholding order and an application to use the public authority's collection services.

Subd. 3. [MODIFICATION ORDERS.] An order modifying the amount of maintenance or support, issued after the hearing on the motion to modify, shall provide that payments be made *outright* by withholding. *The provisions of subdivision 2 do not apply.*

Subd. 4. [EFFECT OF ORDER.] *Notwithstanding any law to the contrary,* the order is binding on the employer, trustee, or other payor of the funds upon service upon him of notice that it has been made. The payor shall withhold from the income payable to the obligor the amount specified in the order and shall monthly or more frequently remit the amounts withheld to the public authority. Amounts received by the public authority which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary ~~assignment~~ withholding authorized by this section.

Subd. 5. [ARREARAGE ORDER.] *Nothing in this section shall prevent the court from ordering the payor of funds to withhold amounts to satisfy the obligor's previous arrearage in child support or maintenance payments, the*

obligor's liability for pregnancy and confinement expenses and for blood test costs, and any service fees that may be imposed under section 518.551.

Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment unless otherwise ordered by the court and shall not be subject to the statutory limitations on amounts levied against the income of the obligor.

Subd. 7. [EMPLOYER EXPENSES.] An employer may deduct one dollar from the obligor-employee's remaining salary for each payment made pursuant to a withholding order under this section to cover the employer's expenses involved in the withholding.

Subd. 8. [EMPLOYER OR PAYOR NOTICE.] When a withholding order is in effect and the obligor's employment is terminated or the periodic payment terminates, the obligor's employer or the payor of funds shall notify the public agency responsible for child support enforcement of the termination within 30 days of the termination date. The notice shall include the obligor's home address and the name and address of the obligor's new employer or payor of funds, if known.

Sec. 23. Minnesota Statutes 1982, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party or; (2) substantially increased or decreased need of a party; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost-of-living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair. On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of the custodial parent's spouse, if any. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 24. Minnesota Statutes 1982, section 518.64, is amended by adding a subdivision to read:

Subd. 2a. [SPECIAL PROVISION; COST-OF-LIVING ADJUSTMENT.] Cost-of-living increases pursuant to subdivision 2 for decrees entered into before August 1, 1983 shall be limited to 50 percent of the cost-of-living

increase for periods of time before August 1, 1983. The remaining 50 percent of the increase may be implemented over a period of time as determined by the court.

Sec. 25. Minnesota Statutes 1982, section 518.64, subdivision 5, is amended to read:

Subd. 5. [FORM.] The department of public welfare shall prepare and make available to courts ~~and, obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed~~ in support of a motion for a modification of an order pursuant to this section or section 256.87. The ~~rule-making~~ rulemaking provisions of chapter 14 shall not apply to the preparation of the form.

Sec. 26. [518.641] [COST-OF-LIVING ADJUSTMENTS IN CHILD SUPPORT ORDER.]

Subdivision 1. [REQUIREMENT.] *An order for child support shall provide for a biennial adjustment in the amount to be paid based on a change in the cost of living. The order shall specify the cost-of-living index to be applied. The court may use the consumer price index for all urban consumers, Minneapolis-St. Paul (CPI-U), the consumer price index for wage earners and clerical, Minneapolis-St. Paul (CPI-W), or another cost-of-living index published by the department of labor which it specifically finds is more appropriate. The court may specify that the housing component be excluded from the cost-of-living adjustment. Cost-of-living increases under this section shall be compounded. It may also increase the amount by more than the cost-of-living adjustment without making further findings. The adjustment becomes effective on the first of May of the year in which it is made. A court may waive the requirement of the cost-of-living clause if it expressly finds that the obligor's occupation or income, or both, does not provide for cost-of-living adjustment or that the order for child support has a provision such as a step increase that has the effect of a cost-of-living clause. The commissioner of public welfare may promulgate rules under this section in accordance with the rulemaking provisions of chapter 14.*

Subd. 2. [CONDITIONS.] *No adjustment under this section may be made unless the order provides for it and until the following conditions are met:*

(a) *the obligee or public authority serves notice of its application for adjustment by mail on the obligor at the obligor's last known address at least 20 days before the effective date of the adjustment;*

(b) *the notice to the obligor shall inform the obligor that an adjustment in payments shall become effective on the first of May; and*

(c) *after receipt of notice and before the effective day of the adjustment, the obligor fails to request a hearing on the issue of whether the adjustment should take effect, and ex parte, to stay imposition of the adjustment pending outcome of the hearing.*

Subd. 3. [RESULT OF HEARING.] *If, at a hearing pursuant to this section, the obligor establishes an insufficient cost of living or other increase in income that prevents fulfillment of the adjusted child support obligation, the court may direct that all or part of the adjustment not take effect. If, at the hearing, the obligor does not establish this insufficient increase in income,*

the adjustment shall take effect as of the date it would have become effective had no hearing been requested.

Subd. 4. [FORM.] The department of public welfare shall prepare and make available to the court and obligors a form to be submitted to the department by the obligor in support of a request for hearing under this section. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form.

Subd. 5. [REQUEST FOR COST-OF-LIVING CLAUSE.] A motion for enforcement or modification of an existing child support order shall include a request for a cost-of-living clause. The court may deny the request only upon an express finding that the obligor's occupation, income, or both, does not provide for a cost-of-living adjustment or that the existing child support order either has a cost-of-living clause or sets forth a step increase which has the effect of a cost-of-living adjustment.

Sec. 27. Minnesota Statutes 1982, section 518.645, is amended to read:

518.645 [FORM OF ORDER.]

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued pursuant to sections 256.872, subdivision 1, 518.551, subdivision 1, or 518.611, subdivision 1, under this chapter shall be substantially in the following form:

IT IS ORDERED THAT:

1. ~~That~~ The sum of _____ per _____, representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on _____ by (his/her) present employer or other payor of funds, _____, and any future employer or other payor of funds, and shall be remitted ~~at least monthly~~ to: _____, monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the ~~employee's~~ Obligor's name shall be included with each remittance.

2. ~~That~~ The parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) _____ or the Obligee determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) _____ or the Obligee serves written notice on the Obligor of its determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice, the Obligor either fails to pay all past due payments or to move the Court, Minnesota Statutes, Section 518.64, to modify the order respecting the amount of child support and/or spousal maintenance and, ex parte, to stay service of withholding on the employer or other payor of funds until the motion to modify is heard; and

(d) Not sooner than fifteen days after service of written notice in paragraph

(b) on the Obligor, _____ or the Obligee serves a copy of its determination of a thirty-day delinquency and a copy of the Court's withholding order on the employer or other payor of funds, who will then be obligated to withhold payments from income and forward the amount withheld to _____.

3. ~~That~~ The parties and the employer or other payor of funds are further notified that NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY. Minnesota Statutes, Sections 256.873 and 518.611, Subdivision 4. ~~A VIOLATION OF THIS PROVISION IS A MISDEMEANOR. Minnesota Statutes, section 256.878 518.611.~~

4. ~~That, in the event~~ If the Obligee performs service on serves the employer or other payor of funds under paragraph 2 (d), the Obligee shall also serve the determination and order ~~shall also be served on~~ _____, together with an application to use collection services.

5. ~~That~~ Service of this Order shall be _____

Sec. 28. Minnesota Statutes 1982, section 518B.01, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means: (i) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (ii) criminal sexual conduct, within the meaning of sections 609.342, 609.343, 609.344, or 609.345, committed against a minor family or household member by an adult family or household member;

(b) "Family or household members" means spouses, parents and children, persons related by consanguinity, persons who have a child in common regardless of whether they have been married or have lived together at any time, and persons jointly residing in the same dwelling unit.

Sec. 29. Minnesota Statutes 1982, section 518B.01, subdivision 6, is amended to read:

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

(a) Restrain any party from committing acts of domestic abuse;

(b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;

(d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to

chapter 518;

(e) Provide counseling or other social services for the parties, if married, or if there are minor children;

(f) Order the abusing party to participate in treatment or counseling services;

(g) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

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

Sec. 30. Minnesota Statutes 1982, section 518C.17, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE OF ORDER.] If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made under sections 518C.01 to 518C.36 shall require that payments be made as the responding court directs *and the responding court shall order support payments under chapter 518.* The court and the prosecuting attorney of a county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible, or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of a county in which it appears that the proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

Sec. 31. Minnesota Statutes 1982, section 518C.33, subdivision 1, is amended to read:

Subdivision 1. [OBLIGEE AND OBLIGOR IN DIFFERENT COUNTIES BOTH IN THIS STATE.] Sections 518C.01 to 518C.36 apply if both the obligee and the obligor are in this state ~~but in different counties.~~

Sec. 32. Minnesota Statutes 1982, section 548.09, is amended to read:

548.09 [LIEN OF JUDGMENT.]

Subdivision 1. [DOCKETING; SURVIVAL OF JUDGMENT.] Every judgment requiring the payment of money, *including a judgment or decree of dissolution or separate maintenance, a determination of parentage, an order under the reciprocal enforcement of support act, or an order under section 256.87, any of which provide for installment or periodic payments of child support, spousal maintenance, or both,* shall be docketed by the clerk upon the its entry thereof, and, . Upon a transcript of ~~such~~ the docket being filed with the clerk in any other county, ~~such~~ the clerk shall also docket the same it. From the time of ~~such~~ docketing the judgment ~~shall be~~ is a lien, ~~to in~~ the amount unpaid ~~thereon~~, upon all real property in the county then or thereafter owned by the judgment debtor. ~~Such~~ The judgment ~~shall survive~~ survives, and the lien thereof ~~continue~~ continues, for the period of ten years

next after its entry; and no longer.

Subd. 2. [JUDGMENT CREDITOR'S AFFIDAVIT.] No judgment, except for taxes, shall be docketed until the judgment creditor, or his agent or attorney, ~~shall have~~ *has* filed with the clerk an affidavit, stating the full name, occupation, place of residence, and post office address of the judgment debtor, to the best of affiant's information and belief; ~~and, . If such the~~ *residence be is* within an incorporated place having more than 5,000 inhabitants, the street number of both his place of residence and place of business, if he ~~have has~~ *has* one, shall be stated.

Subd. 3. [VIOLATIONS BY CLERK.] If the clerk ~~shall violate~~ *violates* this provision, neither the judgment nor the docketing ~~thereof shall be~~ *is* invalid; ~~but he shall be liable to any person damaged thereby in the sum of \$5.~~

Sec. 33. [543.20] [PERSONAL JURISDICTION IN SUPPORT ENFORCEMENT CASES AND PATERNITY SUITS.]

Subdivision 1. [SERVICE.] In addition to the methods of service of process provided in the rules of civil procedure, service of a summons, an order to show cause, or an order or judgment within this state may also be made upon an individual by delivering a copy to him or her personally at his or her place of employment. The employer shall make the individual available for the purpose of delivering a copy. No employer shall deny a process server admittance to the employer's premises for the purpose of making service under this section.

Subd. 2. [APPLICABILITY.] Service at a place of employment applies only to: (a) summons in an action for dissolution, amendment, legal separation, or under the parentage act and under section 256.87; (b) orders to show cause under both section 256.87 and the revised uniform reciprocal enforcement of support act as well as for contempt of court for failure to pay child support; (c) petitions under the domestic abuse act; and (d) motions, orders and judgments for the payment of child support when the court orders personal service.

Subd. 3. [RETALIATION PROHIBITED.] An employer shall not discharge or otherwise discipline an employee as a result of service under this section.

Sec. 34. [REPEALER.]

Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4 are repealed.

Sec. 35. [EFFECTIVE DATE.]

Sections 18, 19, and 26 are effective August 1, 1983. The rest of this act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to welfare; changing laws relating to child support enforcement; providing for determination of paternity; providing for determination and modification of child support; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3

and 4; 257.69, subdivision 2; 518.10; 518.17, by adding a subdivision; 518.551, subdivisions 1, 5, and 6, and by adding subdivisions; 518.611; 518.64, subdivisions 2 and 5, and by adding a subdivision; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; 518C.33, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4."

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 804: A bill for an act relating to the general assistance program; creating a flat grant system of payment; authorizing the commissioner of public welfare to provide by rule for the payment of reasonable fees in certain cases to persons assisting recipients in applying for benefits from federal programs; requiring general assistance recipients, with exceptions, to register for work with the department of economic security; authorizing the commissioner of public welfare to adopt temporary rules in certain cases; making various other changes in the general assistance program; authorizing the commissioner of economic security to make wage subsidy payments to certain employers and to allocate funds for certain public service jobs; authorizing the commissioner of economic security to adopt permanent and temporary rules in certain cases; amending Minnesota Statutes 1982, sections 256D.01, subdivision 1; 256D.02, subdivision 4; 256D.06, subdivision 5; 256D.09, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 256D and 268; repealing Minnesota Statutes 1982, sections 256D.02, subdivision 14; and 256D.06, subdivision 1a.

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

Page 1, line 28, after the period, insert "[POLICY; STANDARDS OF ASSISTANCE.]"

Page 1, line 30, strike "funds" and insert "money"

Page 1, line 32, delete "all"

Page 1, line 32, strike "those" and insert "all"

Page 2, line 2, strike "hereby"

Page 2, line 5, strike "shall be" and insert "are" and strike "such"

Page 2, line 7, strike "as may be"

Page 2, line 8, strike "The furnishing"

Page 2, line 9, strike "of such" and insert "Providing this" and strike "and services"

Page 2, lines 11 and 12, strike "shall be" and insert "is"

Page 2, line 23, delete "shall determine" and insert "determines"

Page 3, line 3, strike the first "the"

Page 3, line 6, strike "the"

Page 3, line 12, after "4." insert "[GENERAL ASSISTANCE.]"

Page 3, after line 21, insert:

"Sec. 3. Minnesota Statutes 1982, section 256D.03, is amended by adding a subdivision to read:

"Subd. 2a. [TEMPORARY STATE AND COUNTY SHARES.] Notwithstanding the provisions of subdivision 2, from July 1, 1983, to June 30, 1985, state aid shall be paid to local agencies for 87.5 percent of general assistance grants, up to the standards of section 256D.01, subdivision 1, to persons who become recipients of general assistance after June 30, 1983. Notwithstanding the 50 percent limitation prescribed in section 256D.22, but subject to the other provisions of that section, from July 1, 1983, to June 30, 1985, the commissioner shall reimburse local agencies for all salary expenses necessarily incurred or paid by the local agencies as a direct result of an increase in the number of persons receiving general assistance after June 30, 1983.

This subdivision is repealed June 30, 1985."

Page 3, line 26, strike "be obligated to"

Page 4, line 2, delete "is authorized to" and insert "may"

Page 4, delete lines 3 to 6

Page 4, line 7, delete everything before "This" and insert "authorizing local agencies to retain from the amount recovered under an interim assistance agreement the actual cost, that the commissioner deems reasonable, of providing special assistance to the recipient in processing the recipient's claim for maintenance benefits from another source, or 25 percent of the amount recovered, whichever is greater. The money retained under this section shall be from the state share of the recovery. The local agency may contract with qualified persons to provide the special assistance. The rules adopted by the commissioner shall include the methods by which local agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for the disabled."

Page 4, line 8, strike "shall" and insert "does"

Page 4, lines 14 and 15, delete "is authorized to" and insert "may"

Page 4, after line 18, insert:

"Sec. 6. Minnesota Statutes 1982, section 256D.09, is amended by adding a subdivision to read:

Subd. 3. [EMPLOYMENT PAYMENTS BY GRANT DIVERSION.] Notwithstanding the provisions of subdivision 1, the commissioner may establish by rule or temporary rule a grant diversion program for payment of all or a part of a recipient's grant to an employer who agrees to employ the recipient. The commissioner shall design the program to provide, to the extent possible, employment or employment-related training that will enable recipients to become self-supporting. Any rule adopted by the commissioner:

(a) *Shall authorize local agencies to administer the grant diversion program directly or to delegate administration of the program to another unit of government;*

(b) *Shall require that grants paid to employers be paid pursuant to a written grant diversion contract;*

(c) *Shall determine the amount of the grant to be paid to the employer and the term of the grant diversion contract;*

(d) *Shall establish standards to ensure that recipients hired pursuant to grant diversion contracts do not displace other workers;*

(e) *Shall provide for the amount of the wage to be paid to the recipient, which shall not be less than the minimum wage;*

(f) *Shall provide for the minimum number of hours per week the recipient must work; and*

(g) *May establish other terms and conditions for the operation of the grant diversion program."*

Page 4, line 23, delete "person"

Page 4, line 24, delete "shall be" and insert "is"

Page 4, line 25, before "comply" insert "be available for work and" and delete the second "the" and insert "reasonable"

Page 4, line 26, delete everything after "search"

Page 4, line 27, delete "subdivision 1" and insert "as required by the commissioner of economic security in permanent or temporary rule"

Page 4, line 28, delete "No person shall be" and insert "A recipient is not"

Page 5, line 5, after the comma, insert "or in an approved chemical dependency domiciliary facility,"

Page 5, line 13, delete "which" and insert "and that"

Page 5, line 27, delete "provided that" and insert ", but"

Page 5, line 28, delete "such" and insert "the"

Page 5, line 36, delete "shall be" and insert "is"

Page 6, line 4, delete "No" and insert "A local agency shall not give" and after "notice" insert ", pursuant to section 256D.10,"

Page 6, line 7, delete everything after "I"

Page 6, line 8, delete "section 256D.10"

Page 6, line 11, delete "of section 268.10" and insert "applicable to the work incentive program under section 256.736, subdivision 4, paragraph 4"

Pages 6 to 10, delete section 6

Page 10, line 26, after the semicolon insert "256D.05, subdivision 1a;"

Page 10, line 29, delete "6" and insert "3"

Page 10, line 31, delete "3, 6, 7, and 8" and insert "4, 6, 8, and 9"

Page 10, line 32, delete "4, and 5" and insert "3, 5, and 7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "authorizing the"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "persons assisting" and insert "providing an incentive for local agencies to assist"

Page 1, line 7, after the semicolon, insert "providing for employment of recipients through grant diversion;"

Page 1, line 9, delete "authorizing the"

Page 1, delete lines 10 to 16

Page 1, line 17, delete everything before "amending"

Page 1, line 19, before "256D.06" insert "256D.03, by adding a subdivision;"

Page 1, line 20, after "2" insert ", and by adding a subdivision"

Page 1, line 21, delete "chapters" and insert "chapter" and delete "and 268"

Page 1, line 23, after "14;" insert "256D.05, subdivision 1a;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 60: A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Delete everything after the enacting clause and insert:

"Section 1. [216B.027] [COOPERATIVE ELECTRIC ASSOCIATION STOCKHOLDER RIGHTS.]

Subdivision 1. [INTENT.] It is the intent of this section to specify those rights which shall be extended to stockholders of cooperative electric associations. The guarantee of these rights, as specified herein, is intended to further the active participation of stockholders in any and all matters pertaining to the prudent operation of their organization.

Subd. 2. [SCOPE.] Cooperative associations organized under chapter 308 for the purpose of providing rural electrification at retail to ultimate consumers shall comply with the provisions of this section in addition to other applicable provisions of chapter 308 and other applicable state and federal laws.

Subd. 3. [BUSINESS RECORDS.] *The provisions of section 302A.461 and any amendments or successor requirements to it shall apply to every wholesale or retail cooperative electric association. The rights granted to wholesale and retail electric cooperative stockholders in this section shall apply also to the spouse of the stockholder. In addition to the requirements of section 302A.461, a wholesale or retail electric cooperative shall maintain records of all proceedings of meetings of stockholders and directors during the previous three-year period including the vote of each director on roll call votes. Roll call votes are required on actions which directly establish service charge and rate schedules. Roll call voting is also required on any matter upon the request of one or more directors. Every duly elected director of a retail cooperative electric association shall have the right to inspect under section 302A.461, in person and at any reasonable time, the business records required by this subdivision and maintained by the wholesale cooperative electric association from which it purchases the majority of its electric requirements.*

Subd. 4. [OPEN MEETINGS.] *Meetings of the board of directors of any retail cooperative electric association must be open to the stockholders of the cooperative and the stockholders' spouses. Stockholders must be given notice of all regularly scheduled meetings except those of an emergency nature. Duly elected directors of retail cooperative associations must be given notice, through their retail cooperative associations, of all meetings of the board of directors of the wholesale cooperative association, except those of an emergency nature, from which the retail cooperative purchases the majority of its electric requirements. Portions of meetings relating to labor negotiations, current litigation, personnel matters, and nonpayment of customer accounts are excluded from the provisions of this subdivision.*

Subd. 5. [PETITIONS; VOTING.] *Notwithstanding the provisions of section 308.09, upon receipt of a written petition concerning governance matters signed by at least 500 stockholders or five percent of the stockholders, whichever is less, of a retail cooperative electric association, the matter in the petition must be presented to the stockholders of the cooperative for a vote at the next annual meeting. Petitions must be received by the cooperative electric association 60 days prior to the scheduled annual meeting. For purposes of this section, "governance matters" means matters properly contained in the articles of incorporation or bylaws by adopting, amending, or repealing bylaws or the articles of incorporation.*

Subd. 6. [EQUAL TIME; PETITIONERS.] *Whenever the directors of a retail cooperative electric association provide information to stockholders to influence their vote on a matter to be decided by a vote of the stockholders pursuant to a successful petition submitted under the provisions of subdivision 5 or section 216B.026, subdivision 4, the directors shall provide the organizers of the petition or person presenting the petition the opportunity to include their position on the matter to the stockholders in a substantially similar mode and range of distribution. The organizers of the petition shall pay the costs of such inclusion.*

Subd. 7. [OPTIONAL REFERENDUM.] *No cooperative shall be bound by the provisions of this section unless adoption has been approved at referendum using the petition and election procedures in section 216B.026. Within 60 days of the effective date of this section, the board of directors of each*

cooperative electric association shall notify the stockholders of the provisions of this section and shall explain the process for ratification by petition and election as provided in this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

S.F. No. 674: A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 245.69, subdivision 2, is amended to read:

Subd. 2. [APPROVAL FOR OUTPATIENT INSURANCE.] The commissioner of public welfare ~~has the authority to~~ *may* approve or disapprove public and private mental health centers and public and private mental health clinics for the purposes of section 62A.152, subdivision 2. For the purposes of this subdivision the commissioner shall promulgate both temporary and permanent rules in accordance with sections 14.01 to 14.70. The rules shall require each applicant to pay a fee to cover costs of processing applications and determining compliance with the rules and this subdivision. The commissioner may contract with any state agency, individual, corporation, or association to which he shall delegate all but final approval and disapproval authority to determine compliance or noncompliance.

(a) Each approved mental health center and each approved mental health clinic shall have a multidisciplinary team of professional staff persons as required by rule. A mental health center or mental health clinic may provide the staffing required by rule by means of written contracts with professional persons or with other health care providers. Any personnel qualifications developed by rule shall be consistent with any personnel standards developed pursuant to chapter 214.

(b) Each approved mental health clinic and each approved mental health center shall establish a written treatment plan for each outpatient for whom services are reimbursable through insurance or public assistance. The treatment plan shall be developed in accordance with the rules and shall include a patient history, treatment goals, a statement of diagnosis and a treatment strategy. The clinic or center shall provide access to hospital admission as a bed patient as needed by any outpatient. The clinic or center shall ensure ongoing consultation among and availability of all members of the multidisciplinary team.

(c) As part of the required consultation, members of the multidisciplinary team shall meet at least twice monthly to conduct case reviews, peer consultations, treatment plan development, and in-depth case discussion. Written minutes of these meetings shall be kept at the clinic or center for three years. *The exchange of information which occurs in team meetings or in connection with a quality assurance procedure required by this subdivision or by rule shall not impair any evidentiary given testimony of the outpatient's nurse, psychologist, physician, or the outpatient.*

(d) Each approved center or clinic shall establish mechanisms for quality assurance and submit documentation concerning the mechanisms to the commissioner as required by rule, including:

- (1) Continuing education of each professional staff person;
- (2) An ongoing internal utilization and peer review plan and procedures;
- (3) Mechanisms of staff supervision; and
- (4) Procedures for review by the commissioner or his delegate.

(e) The commissioner shall disapprove an applicant, or withdraw approval of a clinic or center, which the commissioner finds does not comply with the requirements of the rules or this subdivision. A clinic or center which is disapproved or whose approval is withdrawn is entitled to a contested case hearing and judicial review pursuant to sections 14-01 to 14-70 in accordance with chapter 14.

(f) ~~Data on individuals~~ *individual outpatients* collected by approved clinics and centers, including written minutes of team meetings, ~~is private data on individuals within the welfare system as provided in chapter 13~~ shall be administered in a manner which provides security for and limits access to the data. *The data may not be disclosed except:*

(1) To the outpatient who is the subject of the data, subject to the provisions of section 144.335;

(2) As expressly authorized in writing by the data subject;

(3) As required for administration of services within the center;

(4) As required by valid court order;

(5) As permitted by state or federal law; and

(6) To the commissioner of public welfare, for purposes of auditing compliance with the rules and this subdivision.

Only necessary and relevant data may be maintained. The clinic or center may deny parental access to data on a minor outpatient when the minor requests the denial and the provider has determined that honoring this request is in the best interests of the minor. Nothing in this section shall be construed to include data collected by the approved clinic or center as data within the welfare system as provided by chapter 13, or to impose any liability on the commissioner pursuant to chapter 13.

(g) Each center or clinic that is approved and in compliance with the commissioner's existing rule on July 1, 1980 is approved for purposes of section 62A.152, subdivision 2, until rules are promulgated to implement

this section.

(h) The commissioner may require approved mental health centers and clinics to submit data on center procedures, staffing, quality assurance mechanisms, and fiscal information, for purposes of evaluation of the rules authorized by this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending Minnesota Statutes 1982, section 245.69, subdivision 2."

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

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

S.F. No. 398: A bill for an act relating to vulnerable adults; refining the Vulnerable Adults Reporting Act; specifying reporting requirements; specifying access to reports; preventing record destruction; amending Minnesota Statutes 1982, section 626.557, subdivisions 2, 3, 4, 10, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1982, section 626.557, subdivision 12a.

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

Page 4, lines 13 and 17, delete "*self-aggressive*" and insert "*self-abusive*."

Page 6, line 4, strike "*shall have*"

Page 6, line 5, strike "*the right to*" and insert "*may*"

Page 6, line 10, after "*facility*" insert a comma

Page 7, line 2, delete the semicolon and insert a comma

Page 7, line 3, after "*be*" insert "*accessible to the*" and delete "*as defined in*" and insert "*pursuant to*"

Page 7, line 4, delete "*, subdivision 1, and*" and insert "*. It*"

Page 7, line 9, delete "*from personal interviews*"

Page 7, line 10, delete "*conducted by the agency and*"

Page 7, line 17, delete "*need*" and insert "*may*" and after "*or*" insert "*, to the extent possible, the*"

Page 7, line 19, before "*All*" insert "*During the licensing agency's investigation,*"

Page 7, line 21, after the stricken "*records*" insert "*classified as investigative data pursuant to section 13.39. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall*

be private data on individuals. All data collected pursuant to this section"

Page 7, line 21, reinstate "shall be"

Page 7, line 23, strike "in"

Page 8, after line 13, insert:

"Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be unsubstantiated may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, the licensing agency finds to be substantiated may be destroyed seven years after the finding was made."

Page 8, line 23, strike "as are"

Page 8, line 27, after "(2)" insert "or clause (b)(3)"

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

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

S.F. No. 742: A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal and probate and county judges learned in the law are district judges; providing the manner of determining whether a judicial vacancy exists; exempting certain judges from hearing certain matters; providing transitional retirement benefits; amending Minnesota Statutes 1982, sections 2.722, subdivision 1, and by adding a subdivision; 484.01; 484.545, subdivision 1; 484.69, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 487, 488A, and 490; repealing Minnesota Statutes 1982, section 487.191.

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

Delete everything after the enacting clause and insert:

"Section 1. [COURT STRUCTURE STUDY COMMISSION.]

Subdivision 1. [CREATION.] There is created a court structure study commission to study and evaluate the structure of the state trial courts and report to the legislature on the need for any changes in court organization.

Subd. 2. [MEMBERSHIP; CHAIRMAN.] The commission shall consist of

15 members as follows: three members of the senate appointed by the subcommittee on committees; three members of the house appointed by the speaker of the house; two district court judges, two county or municipal court judges, one member of the supreme court, and two citizens appointed by the chief justice of the supreme court; and two citizens appointed by the governor. The commission shall select a chairman from its membership.

Subd. 3. [PURPOSE.] The commission shall hold appropriate hearings, call witnesses, and study the structure of the court system of the state including the following:

(a) The desirability of continuing the current county, municipal, and district courts or merging them into a unified trial court;

(b) The cost or savings for the counties and the state which will result from a merged trial court;

(c) The benefits of a merged trial court in terms of increased efficiency or shortened trial court calendars, if any;

(d) The constitutional issues involved in a merger of the county, municipal, and district courts;

(e) The appropriateness and best method for adjusting the number of judgeships in various judicial districts based on changing caseload;

(f) Statutory changes necessary and appropriate to improve the functioning of the courts and to implement any recommendations of the commission; and

(g) Any other issues related to court structure the commission deems appropriate.

Subd. 4. [REPORT.] Not later than January 15, 1984, the commission shall report to the legislature on its recommendations for any desirable changes in the structure of the courts of the state.

Subd. 5. [STAFF.] The administrator of the judicial planning committee shall provide staff for the commission. Members shall receive travel and other expenses in the same manner as state employees.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Delete the title and insert:

"A bill for an act relating to courts; establishing a court structure study commission; establishing its powers and duties; requiring a report to the legislature."

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 949: A bill for an act relating to agriculture; appropriating money for the Minnesota Corn Growers Association; providing for repayment to

the state.

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

Page 1, line 21, delete "*sum of \$30,000 in reimbursement*" and insert "*amount required to reimburse the state*"

Page 2, delete lines 7 and 8

Amend the title as follows:

Page 1, line 3, delete "Growers Association" and insert "Research and Promotion Council"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

H.F. No. 617: A bill for an act relating to the pollution control agency; authorizing the collection of permit fees; clarifying the agency's enforcement authorities relating to air contamination; authorizing the use of certain federal funds; extending the authorization of the state wastewater treatment facility construction grants program; amending Minnesota Statutes 1982, sections 116.07, subdivision 9, and by adding a subdivision; 116.16, subdivision 10; and 116.18, subdivision 1.

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

Page 1, line 16, delete "*and shall adopt rules for the collection of permit fees*"

Page 1, line 21, after the period, insert "*The agency shall adopt rules establishing the amounts and methods of collection of any permit fees collected under this subdivision.*"

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete line 4

Page 1, line 9, delete "subdivision 9, and"

And when so amended the bill do pass and be re-referred to the Committee on Finance. 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. 893: A bill for an act relating to the lower Red River watershed management board; removing ten year limitation for tax levy by watershed districts which are members of board; amending Laws 1976, chapter 162,

sections 1, as amended, and 2.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for April 11, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws”. 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. 447: A bill for an act relating to veterans; reestablishing the board of governors of the Big Island Veterans Camp; providing for its appointment and duties; transferring certain state land to the board; providing for the possible disposition of the land by the board; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.13; 197.15; 197.16; 197.17; 197.18; and 197.19.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for April 4, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Veterans and General Legislation.”

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. 841: A bill for an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Energy and Housing, shown in the Journal for April 13, 1983, 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. 429: A bill for an act relating to natural resources; extending the existence of the citizen's committee on Voyageurs National Park; authorizing the committee to accept gifts; amending Minnesota Statutes 1982, section 84B.11, subdivision 2; amending Laws 1975, chapter 235, section 2.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for April 11, 1983, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Governmental Operations”. 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. 510: A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

Reports the same back with the recommendation that the report from the Committee on Energy and Housing, shown in the Journal for April 13, 1983, be adopted; that committee recommendation being

“the bill do pass”. 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. 910: A bill for an act relating to local government; regulating township levies in Crow Wing County; repealing Laws 1941, chapter 451.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 13, 1983, be amended to read:

“the bill do pass and be re-referred to the Committee on Taxes and Tax Laws.”

Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 1145, 1150 and 1158, reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 1145 to the Committee on Education.

S.F. No. 1150 to the Committee on Health and Human Services.

S.F. No. 1158 to the Committee on Public Utilities and State Regulated Industries.

Report adopted.

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

S.F. No. 471: A bill for an act relating to education; requiring the higher education coordinating board to report its recommendations concerning credit transferability and institutional and program requirements; requiring reports to the legislature; providing that students shall be entitled to complete programs according to requirements as of the time the student began the program; amending Minnesota Statutes 1982, section 136A.042; proposing new law coded in Minnesota Statutes, chapter 136A.

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

as follows:

Page 1, line 20, delete "*Universty*" and insert "*University*"

Page 1, line 21, delete "*assure*" and insert "*facilitate*"

Page 2, delete lines 5 to 9 and insert:

"Subdivision 1. [EXTENDED TIME.] A student shall be entitled to complete a program according to the requirements in effect at the time the student began the program for 12 months beyond the time usually required to complete a program.

Subd. 2. [PROGRAM TERMINATED.] The provisions of this section do not apply to a program or course which is discontinued by an institution.

Subd. 3. [APPLICABILITY.] The provisions of this section apply to a student enrolled in an area vocational-technical institute, community college, state university, and the University of Minnesota."

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 588: A bill for an act relating to the North Suburban Hospital District; providing for adjustment of terms of office; changing filing dates for candidates for the hospital board.

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

Page 1, lines 8, 10, 12, 19, and 23, delete "*Minnesota Statutes,*"

Page 2, line 3, delete "*Minnesota Statutes,*"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 132: A bill for an act relating to state government; providing for chiropractic positions in state government civil service; providing for the provision of chiropractic services; proposing new law coded in Minnesota Statutes, chapters 43A and 148.

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

Page 1, delete lines 15 to 17 and insert "*services of a chiropractor, the agency providing the service cannot restrict access to the service.*"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 958: A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 830: A bill for an act relating to long term care; requiring the commissioners of health and public welfare to prepare a report to the legislature.

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

Page 1, line 21, delete everything after "(3)"

Page 1, line 22, delete everything before "a" and insert "*an analysis of options to establish*"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 149: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

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

Page 1, line 13, strike "and who" and after the first comma insert "*is not eligible for medical assistance or general assistance medical care, and,*"

Page 3, after line 18, insert:

"Sec. 6. [62E.532] [CLAIMS AGAINST ESTATES.]

If a person receives assistance under sections 62E.51 to 62E.55 in making payments for health services, then 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 surviving child who is under 21 or is blind or totally disabled, the total amount paid for the person under sections 62E.51 to 62E.55, without interest, shall be filed as a claim against the 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 commissioner of public welfare obtaining reimbursement for payments made under sections 62E.51 to 62E.55 shall not apply to any claim made under this section for reimbursement for those payments. A county may

retain 20 percent of the amounts collected from estates under this section that are directly attributable to county effort.

Sec. 7. Minnesota Statutes 1982, section 62E.55 is amended to read:

62E.55 [APPEALS.]

The final decision of the commissioner (1) denying an application for status as an eligible person *may be appealed pursuant to section 256.045*, or (2) denying all or part of the charges for a health service may be appealed by any interested party pursuant to chapter 14."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "allowing claims against estates in certain circumstances;"

Page 1, line 6, after the semicolon, delete "and"

Page 1, line 7, before the period, insert "62E.55; proposing new law coded in Minnesota Statutes, chapter 62E"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was referred

S.F. No. 737: A bill for an act relating to the administrative procedure act; clarifying the duties of the revisor of statutes with respect to approving the form of administrative rules; requiring the chief hearing examiner and attorney general to send statements of reasons for disapproving rules to the revisor; increasing the six month time period for adopting a rule under certain circumstances; applying the six month adoption deadline to rules adopted without public hearing; clarifying other provisions of the act; amending Minnesota Statutes 1982, sections 14.07; 14.08; 14.14, subdivision 1; 14.15, subdivisions 3 and 4; 14.17; 14.18; 14.19; 14.21; 14.22; 14.26; 14.32; and 14.47, subdivisions 1 and 5.

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

Page 3, line 8, after "interlibrary" insert "loan"

Page 4, line 26, strike "a copy" and insert "two copies"

Page 4, line 27, reinstate the stricken language and after it insert "to the"

Page 4, line 27, after "general" insert ". The attorney general shall send one copy of the rule"

Page 4, line 29, after "days" insert "after receipt of the rule"

Page 5, line 4, after "submit" insert "two copies of"

Page 5, after line 12, insert:

"Sec. 3. Minnesota Statutes 1982, section 14.12, is amended to read:

14.12 [DEADLINE TO PUBLISH NOTICE.]

The agency shall, within ~~six months~~ 180 days after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish an appropriate notice of intent to adopt a rule in accordance with sections 14.04 to 14.36. If an agency has not given this notice, it shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to do so, and the reasons for that failure."

Page 5, line 15, before "No" insert "Except as otherwise provided in chapter 14."

Page 5, line 16, delete the new language

Page 5, line 34, after the period, insert: "The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency."

Page 6, after line 9, insert:

"Sec. 5. Minnesota Statutes 1982, section 14.15, subdivision 1, is amended to read:

Subdivision 1. [TIME OF PREPARATION.] After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall write a report as provided for in section 14.50. *The hearing examiner shall allow the agency three business days after the closing of the hearing record to indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. The agency may not submit additional information during this three-day period. The written acceptance of other amendments shall be added to the hearing record.*"

Page 7, line 15, after "agency" insert a comma and delete " and to"

Page 7, line 16, after "statutes" insert ", the chief hearing examiner, and the legislative commission to review administrative rules"

Page 8, line 6, delete "the average" and insert "a reasonable"

Page 8, line 14, strike "six months" and insert "180 days"

Page 8, line 15, reinstate the stricken "notice of"

Page 8, line 16, reinstate the stricken language before "~~in~~" and after "~~in~~" insert "to"

Page 8, line 16, reinstate the stricken "the state register"

Page 8, delete line 17

Page 8, line 18, delete the new language and insert "for publication"

Page 8, line 19, strike "the rules"

Page 8, line 20, reinstate the stricken "its notice" and after "~~in~~" insert "to" and reinstate the stricken "the state register"

Page 8, lines 20 and 21, delete the new language

Page 8, line 21, strike "six months" and insert "180-days"

Page 8, line 24, after "the" insert "*legislative commission to review administrative rules, other*"

Page 8, line 25, insert a comma after "legislature" and strike the first "to"

Page 8, line 26, delete "*six-month*" and insert "*180-day*"

Page 8, delete lines 27 to 29 and insert "*time limit of this section does not include any days used for review by the chief hearing examiner, the attorney general, or the legislative commission to review administrative rules if the review is required by law.*"

Page 9, line 10, after "1." insert "*The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency.*"

Page 10, line 4, delete "*six months*" and insert "*180 days*"

Page 10, line 6, after the period, insert: "*The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.*"

Even if the 180-day period expires while the attorney general reviews the rule, if the attorney general rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period."

Page 10, line 20, after "agency" insert "*, the chief hearing examiner, the legislative commission to review administrative rules,*"

Page 10, line 32, after "agency" insert "*, the chief hearing examiner, the legislative commission to review administrative rules,*"

Page 11, line 28, after "are" insert "*conveniently*" and strike "for use or"

Page 11, line 29, strike "purchase by" and insert "to" and after "and" strike the comma

Page 12, after line 31, insert:

"Sec. 17. Minnesota Statutes 1982, section 14.47, subdivision 8, is amended to read:

Subd. 8. [SALES AND DISTRIBUTION OF COMPILATION.] Any compilation, reissue, or supplement published by the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the general fund. An agency shall purchase from the revisor the number of copies of the compilation or supplement needed by the agency. The revisor shall provide one copy of any compilation or supplement to ~~all Minnesota county libraries and to any public library upon its request~~ *each county library maintained pursuant to section 134.12 or 375.33 upon its request, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy will be provided to*

any public library in the county upon its request.

Sec. 18. Minesota Statutes 1982, section 14.52, is amended to read:

14.52 [COURT REPORTERS; AUDIO RECORDINGS.]

The office of administrative hearings may maintain a court reporter system and in addition to or in lieu thereof may contract with nongovernmental sources for court reporter services. The court reporters may additionally be utilized as the chief hearing examiner directs. Unless the chief hearing examiner determines that the use of a court reporter is more appropriate, an audio magnetic recording device shall be used to keep a record at any hearing which takes place under this chapter. In *all* cases arising under chapter 176, the chief hearing examiner shall use audio magnetic recording devices to keep the record of hearings except when there are more than two primary parties in a case and the chief hearing examiner determines that the use of a court reporter is more appropriate. If the chief hearing examiner determines that the use of a court reporter is more appropriate, the cost of the court reporter shall be paid by the state. If the chief hearing examiner determines that the use of an audio magnetic recording device is more appropriate in a hearing under chapter 176, any party to that hearing may provide a court reporter at the party's expense. Court reporters provided by a party shall be selected from the chief hearing examiner's list of non-governmental sources.

The fee charged by a court reporter to a party shall not exceed the fee which would be charged to the state pursuant to the court reporter's contract with the state.

Court reporters serving in the court reporter system of the office of administrative hearings shall be in the classified service. Notwithstanding the provisions of section 15.17, subdivision 4, copies of transcriptions of hearings conducted pursuant to sections 14.48 to 14.56 may be obtained only through the office of administrative hearings.

The departmental and classification seniority of an individual who was employed as a court reporter in state service prior to his appointment as a court reporter in the office of administrative hearings pursuant to Laws 1975, Chapter 380, Section 16, shall carry forward and be credited to his employment with the office of administrative hearings."

Page 12, delete section 15

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert: "requiring certain notices to be sent to the legislative commission to review administrative rules;"

Page 1, delete lines 5 and 6

Page 1, line 7, delete everything before "increasing" and delete "six month"

Page 1, line 8, delete "under certain" and insert "when reviews by other agencies are necessary; establishing a deadline for agency action with respect"

Page 1, delete line 9

Page 1, line 10, delete "deadline"

Page 1, line 12, after "14.08;" insert "14.12;"

Page 1, line 13, after "subdivisions" insert "1,"

Page 1, line 14, delete "and"

Page 1, line 15, delete "and" and insert a comma and after "5" insert " , and 8; and 14.52"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 912: A bill for an act relating to outdoor recreation; requiring licensing of cross country skiers; creating a cross country ski trail grant-in-aid program; imposing a penalty; appropriating money for recreational purposes; proposing new law coded in Minnesota Statutes, chapter 85.

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

Delete everything after the enacting clause and insert:

"Section 1. [85.40] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 1 to 7 the following terms have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources.

Subd. 3. [CROSS COUNTRY SKI GRANT-IN-AID PROGRAM.] "Cross country ski grant-in-aid program" means a program administered by the department, as described in section 5.

Subd. 4. [CROSS COUNTRY SKI RACE.] "Cross country ski race" means a timed skiing event organized for the participation of a large number of skiers at one time over a course prepared specifically for a ski race.

Subd. 5. [CROSS COUNTRY SKI TRAIL.] "Cross country ski trail" means a public pathway designated and promoted for cross country skiing.

Subd. 6. [CROSS COUNTRY SKIING.] "Cross country skiing" means traveling across country over snow by human power on skis. "Cross country skiing" does not require the use of lifts, tows, or other mechanical devices.

Subd. 7. [DEPARTMENT.] "Department" means the department of natural resources.

Sec. 2. [85.41] [USER FEES.]

Subdivision 1. [ON PERSON.] While skiing on cross country ski trails, a person between the ages of 16 and 65 years shall carry on his person a valid cross country ski license. A landowner who grants an easement for a grant-

in-aid ski trail is not required to have a license when skiing on his own property.

Subd. 2. [LICENSE AGENTS.] County auditors are appointed agents of the commissioner for the sale of annual cross country ski licenses and daily permits. A county auditor may appoint subagents within the county or within adjacent counties to sell licenses and permits. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's appointment. The auditor shall furnish license and permit blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the blanks to be consigned to that subagent. The county auditor shall be responsible for all blanks issued to, and user fees received by agents, except in St. Louis county or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county. The commissioner may promulgate additional regulations pursuant to section 98.50, subdivision 2.

Any resident desiring to sell annual cross country ski licenses and daily permits may either purchase for cash or obtain on consignment license and permit blanks from a county auditor in groups of not less than ten individual blanks. In selling licenses, the resident shall be deemed a subagent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting and handling of licenses pursuant to section 98.50, subdivision 10.

The county auditor shall promptly deposit all monies received from the sale of licenses and permits with the county treasurer, and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price to each annual licensee, exclusive of the issuing fee, for each annual license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as a commission four percent of all annual license fees, excluding the issuing fee for licenses consigned to subagents.

Unsold blanks in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Subd. 3. [EXEMPTIONS.] Participants in cross country ski races and official school activities are exempt from the license requirement in subdivision 1 if a special use permit has been obtained by the organizers of the event in advance from the agency with jurisdiction over the cross country ski trail. Permits shall require that permit holders return the trail and any associated facility to its original condition if any damage is done by the permittee. Limited permits for special events may be issued and shall require the removal of any trail markers, banners, and other material used in connection with the special event.

Subd. 4. [FORM.] The department shall provide forms and blanks to all agents authorized to issue licenses and daily permits by the commissioner.

The license and daily permit shall attach to the skier's clothing to visibly identify the holder as a licensed skier, and be easily transferable from garment to garment by means of a device prescribed by the commissioner in consultation with the advisory task force. The license and permit shall include the applicant's name and other information deemed necessary by the commissioner.

Subd. 5. [AGENT'S FEE.] The fee for an annual cross country ski license and a daily permit shall be increased by the amount of an issuing fee of 50 cents per license. The issuing fee may be retained by the county auditor or his agent or subagent who sells the license or permit. A license or permit shall indicate the amount of the fee that is retained by the agent. This subdivision does not apply to any license or permit sold by the state, or at a park.

Sec. 3. [85.42] [USER FEE.]

The fee for an annual cross country ski license is \$5. This fee shall be collected at the time the license is purchased. Annual licenses are valid from October 1 through September 30 of the following year. Licenses are not transferable.

The cost for a daily cross country skier permit is \$1. This fee shall be collected at the time the permit is purchased. The daily permit is valid only for the date designated on the permit form.

Sec. 4. [85.43] [DISPOSITION OF RECEIPTS; PURPOSE.]

Fees from cross country ski licenses and permits shall be deposited in the state treasury and may be expended only as appropriated by law for:

(a) grants-in-aid for cross country ski trails sponsored by local units of government and special park districts as provided in section 5; and

(b) maintenance, winter grooming, and associated administrative costs for cross country ski trails under the jurisdiction of the commissioner.

Sec. 5. [85.44] [CROSS COUNTRY SKI TRAIL GRANT-IN-AID PROGRAM.]

The commissioner shall establish a grant-in-aid program for local units of government and special park districts for the acquisition, development, and maintenance of cross country ski trails. Grants shall be available for acquisition of trail easements but may not be used to acquire any lands in fee title. The department shall reimburse all public sponsors of grants-in-aid cross country ski trails based upon criteria established by the department. Prior to the use of any reimbursement criteria, a certain proportion of the revenues shall be allocated on the basis of user fee sales location.

Sec. 6. [85.45] [PENALTY.]

No person may ski on a public cross country ski trail, including a grant-in-aid cross country ski trail, without a valid annual cross country ski license or daily permit. Effective July 1, 1984, any person who violates the provision of this section is guilty of a petty misdemeanor. Any person who violates the provisions of this section before July 1, 1984, shall be issued a warning statement.

Sec. 7. [APPROPRIATION.]

There is appropriated to the department of natural resources from the general fund \$_____ for the period ending June 30, 1985, to carry out the purposes of sections 1 to 6. Of this amount, \$_____ shall be spent to publicize and promote the use of cross country skier licensing.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

H.F. No. 516 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		516	538		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1079 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1079	969		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 798 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
798	803				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 849 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
849	929				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 849 be amended as follows:

Page 1, line 11, delete "equal to" and insert "not less than"

Page 1, line 11, delete "thereof"

Page 1, after line 15, insert

"The property shall be appraised in the manner provided in Minnesota Statutes, section 94.10."

And when so amended H.F. No. 849 will be identical to S.F. No. 929, and further recommends that H.F. No. 849 be given its second reading and substituted for S.F. No. 929, 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. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 183: A bill for an act relating to labor; providing for occupational safety and health; defining "toxic substance"; requiring manufacturers of toxic substances to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a toxic substance under certain conditions; requiring employers using toxic substances to provide employees with certain training and information; creating a presumption that toxic substances must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing penalties; providing protection for trade secrets; amending Minnesota Statutes 1982, sections 182.651, by adding a subdivision; 182.653, by adding a subdivision; 182.654, subdivision 7, and by adding a subdivision; 182.655, subdivisions 4, 10, 11, and by adding subdivisions; 182.658; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182.

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

as follows:

Delete everything after the enacting clause and insert:

“Section 1. [SHORT TITLE.]

This act shall be known as the “Employee Right to Know Act of 1983.”

Sec. 2. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 14. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:

(a) is regulated by the federal Occupational Safety and Health Administration under title 29 of the Code of Federal Regulations part 1910, subpart Z; or

(b) is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric or pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

(c) is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination. In determining whether a chemical or substance is hazardous under this clause or clause (b), the commissioner shall, if appropriate, apply the criteria contained in the American National Standard Institute’s American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1976, or any later revision of that standard. In addition the commissioner may consider the information contained in appendices which do not appear in the standard and any other available scientific evidence which substantially indicates a chemical or substance or mixture of chemicals and substances is hazardous.

Hazardous substance does not include a substance being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care clinic.

Sec. 3. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 15. “Harmful physical agent” means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee, which may cause substantial acute or chronic personal injury or illness as a direct result of any accidental or incidental exposure, whether usual and customary or reasonably foresee-

able as a consequence of the use or handling of, or other exposure to, the physical agent. This definition includes but is not limited to radiation, whether ionizing or non-ionizing.

Harmful physical agent does not include an agent being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care clinic. The exemption in this clause does not include a physical agent handled in a laboratory that primarily provides a quality control analysis for a manufacturing process.

Sec. 4. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 16. "Technically qualified individual" means a person who, because of education, training, or experience, understands the health risks associated with the hazardous substance or harmful physical agent or mixture handled by the person or under his or her supervision.

Sec. 5. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 17. For the purposes of chapter 182, the determination of what is a hazardous substance or harmful physical agent is part of the occupational safety and health standard concerning that substance or agent adopted under section 182.655, subject only to the rulemaking procedure which the whole standard is subject to under section 182.655.

Sec. 6. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 18. The following substances or mixtures are not hazardous substances if they are:

(a) products intended for personal consumption by employees in the workplace;

(b) consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;

(c) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;

(d) any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;

(e) products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas; or

(f) any waste material regulated pursuant to the federal Resource Conser-

vation and Recovery Act, P.L. 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

The commissioner may, by inclusion in the standards adopted pursuant to section 182.655, determine whether any of the following may be excluded from the definitions of hazardous substance or harmful physical agent:

(a) products labeled pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, as amended, and the Federal Food, Drug, and Cosmetic Act, as amended;

(b) waste products labeled pursuant to the Resource Conservation and Recovery Act;

(c) any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace;

(d) any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure; or

(e) products labeled pursuant to 6MCAR sections 4.9214 and 4.9216.

Sec. 7. Minnesota Statutes 1982, section 182.651, is amended by adding a subdivision to read:

Subd. 19. "Manufacturer" means anyone who produces, synthesizes, extracts, or otherwise makes, processes, blends, packages or repackages a hazardous substance or harmful physical agent. The term manufacturer also includes anyone who imports into this state or distributes within this state a hazardous substance or harmful physical agent. Manufacturer does not include anyone whose primary business concerning the hazardous substance or harmful physical agent is in retail sales to the public.

Sec. 8. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4a. An employer who is a manufacturer of a hazardous substance or a harmful physical agent or a mixture of substances or agents shall provide an employer who purchases the substance or agent with the information necessary for the purchasing employer to comply with section 9. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, agent or mixture.

For a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous proportions of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture; information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified together, with the information on the mixture.

Sec. 9. Minnesota Statutes 1982, section 182.653, is amended by adding

a subdivision to read:

Subd. 4b. Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. For each hazardous substance or harmful physical agent to which the employee may be routinely exposed, the employer's training program shall include:

(a) the name or names of the substance or physical agent including any generic or chemical name, trade name, and commonly used name;

(b) the level, if any and if known, at which exposure to the substance or physical agent has been determined to be hazardous according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(c) the acute and chronic effects of exposure at hazardous levels;

(d) the symptoms of the effects;

(e) any potential for flammability, explosion, or reactivity of the substance or physical agent;

(f) appropriate emergency treatment;

(g) proper conditions for safe use of and exposure to the substance or physical agent;

(h) procedures for cleanup of leaks and spills;

(i) the name, phone number and address of the manufacturer of the hazardous substance or harmful physical agent; and

(j) a written copy of all of the above information.

Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 13.

Sec. 10. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4c. For each harmful physical agent to which an employee may be exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner.

Sec. 11. Minnesota Statutes 1982, section 182.653, is amended by adding a subdivision to read:

Subd. 4d. Each employer who is in the business of providing a service of collection, processing, or disposal of waste regulated pursuant to the federal Resource Conservation and Recovery Act, P.L. 94-580, shall provide employees who are routinely exposed to this waste a general safety training

program approved by the commissioner. This training program shall be appropriate for the seriousness of the safety hazards commonly encountered by the employees and shall include: training concerning the general safety hazards involved in the collection, processing, or disposal of the waste; proper safety procedures to avoid the deleterious effects of these hazards; and common symptoms of the deleterious effects. Training shall be provided to employees within sixty days of the commissioner's approval of the training program, or, if the employee is employed after this sixty-day period, prior to the employees' initial assignment where they will be routinely exposed to waste. The employer's safety training program shall be submitted to the commissioner for approval within two months of the effective date of this act.

Sec. 12. Minnesota Statutes 1982, section 182.654, subdivision 7, is amended to read:

Subd. 7. ~~Any~~ An employee who has been exposed or is being exposed to ~~toxic materials~~ hazardous substances or harmful physical agents in concentrations or at levels in excess of that provided for by ~~any~~ an applicable standard shall be provided by ~~his~~ the employer with the opportunities provided in section 182.655, subdivision ~~40~~ 10a.

Sec. 13. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 10. An employee and an association, union, or the designated representative of the employee has the right to request and receive from the employer, within a reasonable period of time, access to information the employer is required to provide the employee under section 9.

Sec. 14. Minnesota Statutes 1982, section 182.654, is amended by adding a subdivision to read:

Subd. 11. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes constitute a violation of chapter 182 because they present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but is not limited to a reasonable belief of the employee that the employee has been assigned to work with a hazardous substance or harmful physical agent under conditions which are inconsistent with the training or information provided by the employer pursuant to section 9, clauses (g) or (h), or section 13.

An employer may not discriminate against an employee for a good faith refusal to perform assigned tasks if the employee has requested or attempted to request that the employer correct the hazardous conditions but the conditions remain uncorrected.

An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee, by performing the assigned tasks, would have been placed in imminent danger of death or serious physi-

cal harm; or (3) the employee requests the commissioner to inspect and determine if a hazardous condition exists; and (4) the employer has failed to provide the training required under section 9 prior to the employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent and the employer has failed to provide the information required under section 9 after a request pursuant to section 13 within a reasonable period of time, but not to exceed 24 hours, of the request.

Sec. 15. Minnesota Statutes 1982, section 182.655, subdivision 4, is amended to read:

Subd. 4. The commissioner, in ~~promulgating~~ *adopting* standards dealing with ~~toxic materials hazardous substances~~ or harmful physical agents under this section, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if ~~such~~ *the* employee has regular exposure to the hazard dealt with by ~~such~~ *the* standard for the period of ~~his~~ *the employee's* working life. Development of standards under this subdivision shall be based upon research, demonstrations, experiments, and ~~such~~ other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard ~~promulgated~~ *adopted* shall be expressed in the terms of objective criteria and of the performance desired.

Sec. 16. Minnesota Statutes 1982, section 182.655, subdivision 10, is amended to read:

Subd. 10. Any standard ~~promulgated~~ *adopted* under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. ~~Where appropriate, such standards shall also prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. Such standards shall provide for monitoring or measuring employee exposure at such locations and intervals and in such manner as may be necessary and appropriate for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. The results of such examinations or tests shall be furnished only to the commissioner and, at the request of the employee, to his physician. In the case of hazardous substances or harmful physical agents, it shall be presumed by the commissioner that the labeling of containers containing hazardous substances or harmful physical agents or posting notices in areas where hazardous substances or harmful physical agents are present is necessary to properly apprise employees. This presumption can be rebutted only by a finding by the commissioner that labeling or posting~~

required under other federal or state law is adequate to fulfill the purposes of this subdivision.

Sec. 17. Minnesota Statutes 1982, section 182.655, is amended by adding a subdivision to read:

Subd. 10a. Where appropriate, standards shall prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by or at the cost of the employer. The standards shall also provide for monitoring or measuring employee exposure at the locations and intervals and in the manner as may be necessary and appropriate for the protection of employees. Where appropriate, a standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at the employer's cost, to employees exposed to hazards in order to most effectively determine whether the health of those employees is adversely affected by the exposure. The results of these examinations or tests shall be furnished only to the commissioner, the employee's physician, at the request of the employee, and the employer on request of the employer to the commissioner and with notice to the employee.

Sec. 18. Minnesota Statutes 1982, section 182.655, subdivision 11, is amended to read:

Subd. 11. The commissioner shall ~~provide for~~ adopt an emergency temporary standard to take immediate effect upon publication if ~~he the commissioner~~ determines:

(a) That employees are exposed to grave or imminent danger from exposure to hazardous substances or harmful physical agents ~~determined to be toxic or physically harmful or from new or other hazards~~; and

(b) That ~~such the~~ emergency standard is necessary to protect employees from ~~such the~~ danger. ~~Such The~~ standard shall be effective until superseded by a standard ~~promulgated~~ adopted in accordance with the procedures prescribed in subdivision 2.

Upon publication of ~~such the~~ standard or standards, which interested persons may receive upon request and payment of fees, the commissioner shall commence a proceeding in accordance with subdivision 2 and the standard as published shall also serve as a proposed rule for the proceeding; the commissioner shall ~~promulgate~~ adopt a standard under this section no later than six months after the publication of the emergency standard.

Sec. 19. [182.6575] [WAIVER PROHIBITED.]

No employer may request or require any employee to waive any rights under section 182.654 or occupational safety and health standards adopted pursuant to this chapter.

Sec. 20. Minnesota Statutes 1982, section 182.658, is amended to read:

182.658 [POSTING REQUIREMENTS.]

The commissioner shall issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under ~~Laws 1973, Chapter 732~~ chapter 182 including the provisions of applicable standards.

Sec. 21. Minnesota Statutes 1982, section 182.66, subdivision 1, is amended to read:

Subdivision 1. ~~If, upon~~ *After an inspection or investigation, if the commissioner believes that an employer has violated a requirement of section 182.653, subdivisions 2 to 4, or any standard, rule, regulation or order prescribed adopted pursuant to Laws 1973, Chapter 732, he this chapter, the commissioner shall, with reasonable promptness and in no event later than six months following the inspection, issue a written citation to the employer by certified mail a written citation. The citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the act, standard, rule, regulation or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation.*

Sec. 22. Minnesota Statutes 1982, section 182.663, subdivision 3, is amended to read:

Subd. 3. The commissioner shall ~~issue regulations~~ *adopt rules* requiring employers to maintain accurate records of employee exposures to ~~potentially toxic materials~~ *hazardous substances* or harmful physical agents which are required to be monitored under ~~Laws 1973, Chapter 732~~ *this chapter*. ~~Such regulations~~ *The rules shall provide employees or their representatives with an opportunity to have access to the records thereof. Such regulations* *The rules shall provide employees or their representatives with an opportunity to observe such the monitoring or measuring and to have access to the records thereto and reports of the monitoring and measuring.* In order to carry out the provisions of this section, ~~such regulations~~ *the rules may include provisions requiring employers to conduct periodic inspections. Each An employer shall promptly notify any an employee who has been or is being exposed to toxic materials hazardous substances or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated adopted under Laws 1973, Chapter 732 chapter 182, and shall inform any employee who is being thus exposed of the corrective action being taken.*

Sec. 23. Minnesota Statutes 1982, section 182.666, is amended by adding a subdivision to read:

Subd. 5a. Any employer who knowingly violates section 11 shall be assessed a fine of up to \$1,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of \$200.

Sec. 24. Minnesota Statutes 1982, section 182.668, is amended to read:

182.668 [TRADE SECRETS.]

Subdivision 1. [EMPLOYER CLAIM AS TRADE SECRET.] (a) If an employer or manufacturer receives a request for information that is a trade secret, the employer or manufacturer shall inform the requester that all or part of the requested information is a trade secret but shall provide any part of the requested information that is not a trade secret.

The claim of an employer or manufacturer that information is a trade secret is presumed to be valid. If the claim is challenged by the commissioner on his or her own initiative, or upon receipt of a request by an employer who is a

purchaser of the hazardous substance which is the subject of the trade secret designation, the commissioner shall notify the manufacturer or employer of the challenge by certified mail.

(b) The employer or manufacturer of the hazardous substance shall have 15 days, which time period can be extended by the commissioner for just cause, after receipt of notification to provide the commissioner with a complete justification and statement of the grounds on which the trade secret is being claimed. A claim by the employer or manufacturer that the justification and statement containing the trade secret information is a trade secret shall likewise be presumed to be valid. This justification and statement shall be submitted by certified mail.

(c) The commissioner shall determine whether the requested information is protected as a trade secret within 15 days, after receipt of the justification and statement, or if no justification and statement is filed, within 30 days, exclusive of weekends and legal holidays, of the original notice, and shall notify the employer or manufacturer and any party who has requested the data of that determination by certified mail. If the commissioner determines that the requested information is not protected as a trade secret, the final notice shall also specify a date, not sooner than 15 days, after the date of mailing of the final notice, when the information shall be available upon request.

(d) Prior to the date specified on the final notice, an employer or manufacturer of the hazardous substance may institute an action in an appropriate court for a declaratory judgment as to whether the requested information is subject to protection under this act.

Subd. 2. [TRADE SECRET DISCLOSURE.] All information reported to or otherwise obtained by the commissioner or his representative in connection with any inspection or proceeding under ~~Laws 1973~~, chapter 732 182 which contains or which might reveal a trade secret shall be considered confidential except that ~~such~~ the information may be disclosed to other officers or employees concerned with carrying out ~~Laws 1973~~, this chapter 732 or when relevant in any proceeding under ~~Laws 1973~~, this chapter 732 .

Subd. 3. [PROTECTIVE ORDERS.] The commissioner shall issue ~~such~~ orders as may be appropriate to protect the confidentiality of trade secrets by allowing, upon the request of an employer or manufacturer, any authorized representative of employees in inspections of trade secrets areas or discussions involving trade secrets to be replaced by an employee authorized by the employer; by permitting the employer to screen out trade secret details where photographs are deemed essential to the investigation; and by allowing the employer to restrict samples to be taken where trade secrets might be exposed.

Subd. 4. [PENALTY.] Information provided to an employer, employee, or designated representative pursuant to section 9 which has been determined to be a trade secret pursuant to subdivision 1, shall not be disclosed to anyone except (1) to the employee's authorized physician for medical treatment, or as required (2) for compliance with the federal Resource Conservation and Recovery Act, Public Law 94-580, or (3) in the course of an investigation or proceeding under this chapter. An employer, employee, or designated representative who discloses information in violation of this subdivision and

any person receiving such information, whether directly or indirectly, is guilty of a gross misdemeanor, and shall be liable for damages to the employer or manufacturer, including consequential damages.

Sec. 25. [182.675] [RELATIONSHIP TO COLLECTIVE BARGAINING.]

Although not required, an employee or employer may seek to resolve any dispute arising under this chapter through resolution procedures provided by any applicable labor agreement or, if there is no applicable provision of a labor agreement, through a dispute resolution procedure to be developed by the commissioner. The employee is not deemed to have waived or lost any substantive or procedural rights under this chapter due to resort to the resolution methods and may, absent a provision in a labor agreement to the contrary, pursue all legal remedies under this chapter without any prejudice due to the results of these resolution methods. The commissioner may adopt temporary rules to develop a dispute resolution procedure. Nothing in this chapter is deemed to prevent the creation of additional rights or remedies for employees pursuant to a labor agreement or personnel rule.

Sec. 26. [INSTRUCTION TO REVISOR.]

Whenever the phrase "Laws 1973, Chapter 732" or a like phrase appears in Minnesota Statutes, chapter 182, the revisor of statutes shall substitute the phrase "this chapter" or "chapter 182."

Sec. 27. [EFFECTIVE DATE.]

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are effective January 1, 1984. Section 14 is effective July 1, 1984. Section 26 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to labor; providing for occupational safety and health; defining "hazardous substance" and "harmful physical agent"; requiring manufacturers of hazardous substances or harmful physical agents to provide certain information; creating a right to refuse to work under conditions violating the state occupational safety and health act; creating a right to refuse to work with a hazardous substance or harmful physical agent under certain conditions; requiring employers using hazardous substances and harmful physical agents to provide employees with certain training and information; creating a presumption that hazardous substances and harmful physical agents must be labeled under certain circumstances; prohibiting waiver of any employee rights under the state occupational safety and health act; clarifying relation of bargaining agreements to safety laws; providing protection for trade secrets; providing penalties; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; 182.654, subdivision 7, and by adding subdivisions; 182.655, subdivisions 4, 10, 11, and by adding a subdivision; 182.658; 182.66, subdivision 1; 182.663, subdivision 3; 182.666, by adding a subdivision; and 182.668; proposing new law coded in Minnesota Statutes, chapter 182."

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

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 79: A bill for an act relating to horse racing; defining certain terms; establishing a racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate race-tracks, conduct horse racing, and engage in certain occupations; prescribing license fees; authorizing the assigning of racing days; establishing a division of pari-mutuel betting in the department of public safety and providing for the powers and duties of the commissioner; authorizing pari-mutuel betting on horse racing and prescribing taxes thereon; providing for the regulation of horse racing and establishing fines; establishing a breeders fund; prohibiting certain acts relating to horse racing and establishing penalties; providing for the recommendation of legislation establishing treatment programs for compulsive gamblers; amending miscellaneous statutes to include pari-mutuel related provisions; providing a withholding tax on certain pari-mutuel winnings and on occupation license holders; clarifying what is not a lottery; defining sports bookmaking and making it a felony; providing for the forfeiture of certain gambling devices, prizes, and proceeds; appropriating money; amending Minnesota Statutes 1982, sections 10A.09, subdivisions 1 and 5; 38.04; 290.09, subdivisions 5 and 29; 290.17, subdivision 2; 290.92, by adding subdivisions; 609.75, subdivisions 1 and 3, and by adding a subdivision; 609.76; 609.761; proposing new law coded as Minnesota Statutes, chapter 299J; proposing new law coded in Minnesota Statutes, chapter 609.

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

Page 3, line 6, delete "*nine*" and insert "*seven*"

Page 3, line 8, delete "*five*" and insert "*four*"

Page 3, line 9, delete everything after the period

Page 3, line 10, delete "*congressional district.*"

Page 3, line 12, delete the second "*three*" and insert "*two*"

Page 3, line 13, delete "*three*" and insert "*two*" and delete "*a term*" and insert "*terms*"

Page 3, line 33, delete "*or at a licensed racetrack*" and insert "*under this act*"

Page 3, line 35, delete "*an*" and insert "*a financial*"

Page 4, line 3, delete "*his*" and insert "*the*"

Page 4, line 3, delete "*as a*" and insert "*of the*"

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

Page 4, line 5, delete everything after "*is*" and insert "*as provided under section 15.0575, subdivision 3.*"

Page 4, delete lines 6 and 7

Page 4, line 10, before the period, insert "*, subdivision 4*"

Page 4, line 16, after "*commission*" insert "*or any of its members*"

Page 4, line 34, delete "*once*" and insert "*on January 1 of*"

Page 4, line 35, after "*year*" insert "*submit a*"

Page 5, line 5, delete "*chief*"

Page 5, line 7, delete "*He shall*"

Page 5, line 8, delete "*devote full time to*" and delete "*, which*"

Page 5, line 15, after the semicolon insert "*and*"

Page 5, delete lines 16 to 18

Page 5, line 19, delete "*(d)*" and insert "*(c)*"

Page 5, line 26, delete "*salaries*" and insert "*total compensation*" and after "*of*" insert "*the executive secretary and*" and delete "*commission*"

Page 5, line 27, after "*employees*" insert "*assigned to the commission under subdivision 2*" and delete "*chapter 43A*" and insert "*section 43A.18*"

Page 5, line 36, delete "*or at a licensed racetrack*" and insert "*under this act*"

Page 6, line 2, delete "*an*" and insert "*a financial*"

Page 6, line 6, delete "*his*" and insert "*the*"

Page 6, line 6, delete "*as an employee*" and delete "*or assigned to*"

Page 6, line 13, before the period, insert "*and consistent with applicable collective bargaining agreements*"

Page 6, line 26, after "*rules*" insert "*under the provisions of chapter 14, the administrative procedure act,*"

Page 7, line 8, delete "*above*" and after "*activities*" insert "*set forth under paragraph (a)*"

Page 7, line 25, delete "*actively*" and insert "*actually*"

Page 7, line 36, delete "*6*" and insert "*7*"

Page 8, line 12, delete "*stockholders*" and insert "*shareholders*"

Page 8, line 21, delete "*a sworn statement*" and insert "*an affidavit*"

Page 9, line 18, delete "*an initial*" and insert "*a*"

Page 9, line 22, after "*council*" insert "*or town board*" and after "*city*" insert "*or town*"

Page 9, line 24, delete "*municipality*" and insert "*city or town*"

Page 9, line 26, delete "*an initial*" and insert "*a*"

Page 9, line 29, after the second "*and*" insert "*the applicant's*"

Page 9, line 31, delete "*preliminary and*" and delete "*investigations*" and insert "*investigation*"

Page 10, line 22, delete "*a*" and insert "*each cumulative*"

Page 10, line 23, delete "*stock*" and insert "*shares*" and delete "*initial*"

and after "application" insert "is filed"

Page 10, line 24, before "license" insert "the" and delete "issuance" and insert "is issued"

Page 11, line 4, delete "be"

Page 11, line 5, delete "certified" and insert "provide the affidavit required"

Page 11, line 7, delete ", or a refusal to renew a class A license,"

Page 11, lines 11, 16, 21, and 26, delete "initial"

Page 12, line 9, delete "stockholders" and insert "shareholders"

Page 12, line 18, delete "a sworn statement" and insert "an affidavit"

Page 13, line 23, delete "a" and insert "each cumulative"

Page 13, line 24, delete "stock" and insert "shares" and delete "initial" and after "application" insert "is filed"

Page 13, line 25, before "license" insert "the" and delete "issuance" and insert "is issued"

Page 13, line 28, delete "Suspension,"

Page 13, line 29, delete "revocation, and refusal" and insert "The commission may suspend, revoke, or refuse"

Page 13, line 29, delete "is" and insert "on the same grounds"

Page 13, line 30, after the period, insert "A license suspension or revocation, or a refusal to renew a class B license, is a contested case under sections 14.57 to 14.70 of the administrative procedure act and is in addition to criminal penalties imposed for a violation of law or rule."

Page 15, line 19, delete "provide for examining" and insert "define the scope of any investigation of"

Page 15, line 20, delete "the" and insert "a class C" and delete "for which he is applying"

Page 15, line 24, delete "AND RENEWAL"

Page 15, line 25, delete "has sufficient qualifications" and insert "is qualified"

Page 15, line 29, delete everything after the period

Page 15, line 30, delete everything before "Class"

Page 15, after line 31, insert:

"Subd. 5. [RENEWAL.] The commission may renew a class C license if it determines that the licensee continues to meet the requirements of subdivision 4."

Page 15, line 32, delete "5" and insert "6"

Page 16, line 2, delete "The commission"

Page 16, delete lines 3 to 5

Page 16, line 10, delete "6" and insert "7"

Page 16, line 27, before "OCCUPATIONAL" insert "EXEMPTION FROM"

Page 16, delete lines 28 to 31

Page 16, line 32, delete "except for active members" and insert "is an *active member*",

Page 16, line 32, after "as" insert "that term is"

Page 16, line 32, after "349.12" insert a comma

Page 16, line 32, after "of" insert "a"

Page 16, line 33, delete "organizations" and insert "organization" and delete "act" and insert "acts" and after "as" insert "a"

Page 16, line 34, delete "workers" and insert "worker" and delete "clerks" and insert "clerk" and before the period, insert "is not required to obtain a class C occupational license"

Page 17, line 15, delete "Revocation and"

Page 17, line 16, delete "suspension of class D licenses, and refusals" and insert "The commission may suspend, revoke, or refuse" and after "renew" insert "a"

Page 17, line 17, delete "licenses, are" and insert "license on the same grounds" and after the period, insert "A license suspension or revocation, or a refusal to renew a class D license, is a contested case under sections 14.57 to 14.70 of the administrative procedure act and is in addition to criminal penalties imposed for a violation of law or rule."

Page 17, line 20, delete "racetrack" and insert "class B or D"

Page 17, line 23, delete "The commission may"

Page 17, delete line 24

Page 17, line 25, delete "which the assignment is made. Assignments" and insert "The commission shall make the initial assignment"

Page 17, line 25, delete "in" and insert "for"

Page 17, line 26, delete "must be made" and delete "that" and insert "the preceding" and delete the comma

Page 17, line 27, delete everything after "(b)"

Page 17, delete line 28 except the period and after the period insert "The commission may also assign racing days for up to three years beyond that year."

Page 17, line 31, before the period, insert "and may assign dates after the July 1 date provided under paragraph (a) to a licensee whose license is issued after that date"

Page 17, line 33, delete "subdivision" and insert "paragraph"

Page 18, line 1, delete "revises" and insert "revise" and delete "or"

Page 18, line 2, delete "assigns" and insert "assign"

Page 18, line 3, delete the period and insert “; or

(4) *rescind a racing day or days as provided under subdivision 4.*”

Page 18, line 36, delete “*regulate*” and insert “*promulgate rules under the provisions of chapter 14, the administrative procedure act, except rules relating to licensing and assigning of racing days, regulating*”

Page 19, line 10, after “*under*” insert “*article 3 of*”

Page 19, line 16, delete everything after the period

Page 19, line 17, delete “*to*” and delete “*, which*”

Page 19, line 30, delete “*He*”

Page 19, delete line 31 except “*his*”

Page 19, line 32, delete “*, which*”

Page 20, line 3, delete “*on a seasonal or part-time basis*”

Page 20, line 8, delete everything after the period

Page 20, delete line 9

Page 20, line 11, after “*under*” insert “*article 3 of*”

Page 20, line 27, delete everything after the period

Page 20, line 28, delete everything before “*his*” and after “*duties*” delete the comma

Page 20, line 29, delete “*which*”

Page 20, line 31, after “*under*” insert “*article 3 of*”

Page 20, line 34, delete “*its*” and insert “*his*”

Page 21, line 8, delete “*They*” and insert “*These employees*”

Page 21, line 9, before the period insert “*consistent with chapter 43A*”

Page 21, line 10, delete “*salaries*” and insert “*total compensation*”

Page 21, line 11, delete “*chapter 43A*” and insert “*section 43A.18*” and after the period, insert “*The total compensation of any stewards who are not employees of the division must be commensurate with the compensation of stewards who are division employees.*”

Page 21, line 22, delete “*or at a licensed racetrack*” and insert “*under this act*”

Page 21, line 24, delete “*an*” and insert “*a financial*”

Page 21, line 34, before the period, insert “*and consistent with applicable collective bargaining agreements*”

Page 22, line 4, before the period, insert “*and they shall serve in the unclassified service*”

Page 22, line 13, delete “*, for violation of law or rules*”

Page 22, line 14, delete “*promulgated under this act,*” and delete “*not exceeding \$500;*” and insert “*as provided under article 3, section 15; and*”

Page 22, delete lines 15 to 17

Page 22, line 18, delete "(g)" and insert "(e)"

Page 22, delete lines 31 to 34

Page 22, line 35, delete "5" and insert "4"

Page 24, line 10, delete "except as otherwise"

Page 24, line 11, delete "provided in" and insert "including the provisions of" and delete "in" and insert "any"

Page 24, line 20, delete ", except that:" and insert a period

Page 24, delete lines 21 to 25

Page 24, line 27, after the period insert "From the takeout, the licensee may pay:

(1) a fee to the person or entity conducting the race for the privilege of conducting pari-mutuel betting on the race; and

(2) the costs of transmitting the broadcast of the race."

Page 24, line 32, after "be" insert "remitted and"

Page 25, line 16, delete everything after "(b)"

Page 25, line 17, delete "designate and pay to the commissioner" and insert "There is imposed"

Page 25, line 20, delete "on"

Page 25, line 21, delete everything except "one-half"

Page 25, line 23, delete "(b)" and insert "(a)" and delete "on"

Page 25, line 24, delete everything before "one"

Page 25, after line 25, insert:

"(c) There is imposed a tax equal to one-half of the total breakage for each racing day during the period for which the taxes under paragraphs (a) and (b) are paid, as provided under subdivision 2."

Page 25, line 26, before "The" insert "(d)" and delete "this paragraph" and insert "paragraphs (a), (b), and (c)"

Page 25, line 29, delete "(c)" and insert "(e)" and delete "The commission shall impose" and insert "There is imposed"

Page 25, line 31, delete "tax" and insert "taxes under subdivision 1"

Page 25, line 33, delete everything after the period

Page 25, delete lines 34 to 35

Page 25, line 36, delete "which the tax is paid."

Page 26, lines 6 and 11, delete "tax" and insert "taxes"

Page 26, line 7, delete "is" and insert "are"

Page 26, delete lines 26 to 33 and insert "forward all money received under subdivision 1, paragraph (b), to the state treasurer for deposit in the

Minnesota breeders fund established under article 4. The commissioner shall forward all other money received under this section to the state treasurer for deposit in the general fund."

Page 26, line 35, delete everything before "all"

Page 27, line 1, delete "be" and insert "are"

Page 27, line 7, after "testing" insert ", including pre-race examinations as provided under subdivision 3,"

Page 27, line 9, delete everything after "medication"

Page 27, delete line 10

Page 27, line 11, delete everything before "may"

Page 27, line 13, delete "for" and insert "of"

Page 27, line 14, before "used" insert "to be"

Page 27, line 14, delete everything after "used"

Page 27, line 15, delete everything before the period and insert "for medical testing and define the term "medication". The term "medication" must include anti-inflammatory analgesics and synthetic corticosteroids"

Page 27, after line 21, insert:

"Subd. 3. [PRE-RACE EXAMINATIONS.] The medical officer appointed under article 3, section 3, subdivision 4, or personnel under his supervision, must conduct a pre-race examination on all horses entered at each race. The examination must include removing the horse from the stall and having him trotted on a level, hard surface by an attendant, both away from and towards the examiner, and also trotted in a circular path of both clockwise and counter-clockwise directions. Any horse which displays the typical movements of a sore or lame horse may, at the discretion of the examiner, be disallowed from running at the race entered."

Page 27, line 26, delete "horses which are Minnesota-bred or Minnesota-owned" and insert "'Minnesota-bred horses' or 'Minnesota-owned horses',"

Page 28, line 11, after "hearing" insert a comma

Page 29, line 8, delete "agents" and insert "representatives"

Page 29, line 31, delete "shall" and insert "must"

Page 31, line 22, delete "Minnesota-bred or Minnesota-owned horses" and insert "'Minnesota-bred horses' and 'Minnesota-owned horses'"

Page 32, line 22, delete "applicance" and insert "appliance"

Page 32, line 29, delete "uses" and insert "use"

Page 32, delete lines 32 to 35

Page 32, line 36, delete "6" and insert "5"

Page 33, line 5, delete "7" and insert "6"

Page 33, line 6, delete the comma

Page 33, after line 7 insert:

"Subd. 7. [REPORTING OF INFORMATION.] A person licensed by the commission who has information regarding a violation of the provisions of subdivisions 1 to 6 shall report that information promptly to the commissioner."

Page 33, line 9, delete "7" and insert "6" and delete "6" and insert "7"

Page 33, line 18, delete the second "or"

Page 33, line 19, delete "approved by the commissioner"

Page 33, line 22, delete "such" and delete "as" and insert "that"

Page 33, line 26, delete "by a steward in"

Page 33, line 27, delete "violation of subdivision 1 or"

Page 34, line 2, after "legislature" delete the comma

Page 34, line 7, delete the comma

Page 35, line 19, delete the first "of" and insert "or"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 782, 1067, 879, 924, 756, 752, 301, 845, 302, 964, 641, 473, 318, 726, 1048, 548, 545, 60, 674, 398, 742, 841, 510, 471, 132, 958, 830, 737 and 183 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 588, 516, 1079, 798 and 849 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Ramstad moved that the name of Ms. Reichgott be added as a co-author to Senate Resolution No. 51. The motion prevailed.

Mr. Vega moved that the name of Mr. Dahl be added as a co-author to S.F. No. 906. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1175. The motion prevailed.

Mr. Samuelson moved that the names of Messrs. Merriam and Wegscheid be added as co-authors to S.F. No. 1181. The motion prevailed.

Ms. Reichgott and Mr. Ramstad introduced—

Senate Resolution No. 53: A resolution honoring the hundreds of dedicated volunteers of the Minnesota North Star Chapter of the Multiple Sclerosis Society who have contributed long hours of time and effort to the fight against multiple sclerosis.

Referred to the Committee on Rules and Administration.

Mr. Davis moved that H.F. No. 946 be taken from the table and referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Schmitz moved that S.F. No. 1096 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Energy and Housing. The motion prevailed.

Mr. Solon moved that S.F. No. 649 be withdrawn from the Committee on Finance and re-referred to the Committee on Economic Development and Commerce. The motion prevailed.

Mr. Samuelson moved that H.F. No. 1111 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

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

CALENDAR

S.F. No. 420: A bill for an act relating to judgments; requiring interest to be paid from the date of an initial judgment; amending Minnesota Statutes 1982, section 549.09.

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 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Frank	Kroening	Olson	Schmitz
Belanger	Frederick	Kronebusch	Pehler	Sieloff
Benson	Frederickson	Laidig	Peterson, C.C.	Solon
Berg	Freeman	Langseth	Peterson, D.C.	Spear
Berglin	Hughes	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Isackson	Lessard	Peterson, R.W.	Ulland
Bertram	Johnson, D.E.	Luther	Petty	Vega
Brataas	Johnson, D.J.	McQuaid	Pogemiller	Waldorf
Chmielewski	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, D. M.	Reichgott	Willet
Dicklich	Knaak	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 506: A bill for an act relating to probate; changing the time for closing certain estates; amending Minnesota Statutes 1982, section 524.3-1003.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Sieloff
Anderson	Dieterich	Kroening	Pehler	Solon
Belanger	Frank	Kronebusch	Peterson, C.C.	Spear
Benson	Frederick	Laidig	Peterson, D.C.	Stumpf
Berg	Frederickson	Langseth	Peterson, D.L.	Taylor
Berglin	Freeman	Lantry	Peterson, R.W.	Ulland
Bernhagen	Hughes	Lessard	Petty	Vega
Bertram	Isackson	Luther	Pogemiller	Waldorf
Brataas	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Merriam	Reichgott	Willet
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

So the bill passed and its title was agreed to.

S.F. No. 391: A bill for an act relating to economic development; regulating loans of the small business finance agency; amending Minnesota Statutes 1982, sections 116J.88, subdivisions 4 and 8, and by adding a subdivision; 116J.89, by adding a subdivision; 116J.90, subdivision 2; and 116J.91, subdivision 12.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Stumpf
Berglin	Freeman	Lantry	Peterson, D.L.	Taylor
Bernhagen	Hughes	Lessard	Peterson, R.W.	Ulland
Bertram	Isackson	Luther	Petty	Vega
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D. M.	Reichgott	Willet
Davis	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 464: A bill for an act relating to port authorities; providing for approval of port authority land sales; amending Minnesota Statutes 1982, section 458.17.

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 9, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Pehler	Schmitz
Anderson	Frank	Kronebusch	Peterson, C. C.	Sieloff
Belanger	Frederick	Laidig	Peterson, D. C.	Solon
Bernhagen	Frederickson	Langseth	Peterson, D. L.	Spear
Bertram	Freeman	Lantry	Peterson, R. W.	Stumpf
Brataas	Isackson	Lessard	Petty	Ulland
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Vega
Dahl	Johnson, D. J.	Moe, R. D.	Ramstad	Wegscheid
Davis	Jude	Nelson	Reichgott	Willett
Dicklich	Kamrath	Novak	Renneke	
Diessner	Knaak	Olson	Samuelson	

Those who voted in the negative were:

Berg	Hughes	Luther	Moe, D. M.	Waldorf
Berglin	Knutson	Merriam	Taylor	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

CONSENT CALENDAR

H.F. No. 870: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

Mr. Pogemiller moved to amend H.F. No. 870 as follows:

Page 1, line 11, delete "*permanent or temporary*" and after "*rules*" insert "*in accordance with chapter 14*"

The motion prevailed. So the amendment was adopted.

H.F. No. 870 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Sieloff
Anderson	Dieterich	Kroening	Olson	Solon
Belanger	Frank	Kronebusch	Pehler	Spear
Benson	Frederick	Laidig	Peterson, C. C.	Stumpf
Berg	Frederickson	Langseth	Peterson, D. C.	Taylor
Berglin	Freeman	Lantry	Peterson, D. L.	Ulland
Bernhagen	Hughes	Lessard	Petty	Vega
Bertram	Isackson	Luther	Pogemiller	Waldorf
Brataas	Johnson, D. E.	McQuaid	Ramstad	Wegscheid
Chmielewski	Johnson, D. J.	Merriam	Reichgott	Willett
Dahl	Jude	Moe, D. M.	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
Dicklich	Knaak	Nelson	Schmitz	

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

H.F. No. 157: A bill for an act relating to education; authorizing allowable service years to be used for the teacher early retirement incentive program; amending Minnesota Statutes 1982, section 125.611, subdivision 1.

Ms. Reichgott moved that the amendment made to H.F. No. 157 by the Committee on Rules and Administration in the report adopted April 18, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 157 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:

Adkins	Diessner	Knutson	Nelson	Schmitz
Anderson	Dieterich	Kroening	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Solon
Benson	Frederick	Laidig	Pehler	Spear
Berg	Frederickson	Langseth	Peterson, C. C.	Stumpf
Berglin	Freeman	Lantry	Peterson, D. C.	Taylor
Bernhagen	Hughes	Lessard	Peterson, D. L.	Ulland
Bertram	Isackson	Luther	Petty	Vega
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D. J.	Mehrkens	Ramstad	Wegscheid
Dahl	Jude	Merriam	Reichgott	Willet
Davis	Kamrath	Moe, D. M.	Renneke	
Dicklich	Knaak	Moe, R. D.	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 771: A bill for an act relating to courts; providing for removal of claims from municipal court to district court; amending Minnesota Statutes 1982, section 488A.01, subdivision 15; and 488A.18, subdivision 15.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Schmitz
Anderson	Dieterich	Kroening	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Spear
Benson	Frederick	Laidig	Pehler	Stumpf
Berg	Frederickson	Langseth	Peterson, C. C.	Taylor
Berglin	Freeman	Lantry	Peterson, D. C.	Ulland
Bernhagen	Hughes	Lessard	Peterson, D. L.	Vega
Bertram	Isackson	Luther	Petty	Waldorf
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D. J.	Mehrkens	Ramstad	Willet
Dahl	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, D. M.	Renneke	
Dicklich	Knaak	Moe, R. D.	Samuelson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Belanger introduced—

S.F. No. 1183: A bill for an act relating to taxation; income; providing a floating rate of interest on overpayments of income and withholding taxes; amending Minnesota Statutes 1982, sections 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; and 290.936.

Referred to the Committee on Taxes and Tax Laws.

Mr. Peterson, R.W. introduced—

S.F. No. 1184: A bill for an act relating to mechanics liens; permitting an award of attorney fees to a party who successfully defends a lien foreclosure; amending Minnesota Statutes 1982, section 514.14.

Referred to the Committee on Judiciary.

Messrs. Ramstad, Ulland and Sieloff introduced—

S.F. No. 1185: A bill for an act relating to taxation; decreasing the maximum corporate tax rate; amending Minnesota Statutes 1982, section 290.06, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Moe, R.D.; Peterson, C.C. and Pogemiller introduced—

S.F. No. 1186: A bill for an act relating to taxation; providing a property tax exemption for satellite broadcasting facilities; providing an income tax exemption for certain income earned and a credit for certain payments made by a corporation providing satellite broadcasting services; providing a sales tax exemption for materials used in constructing a satellite broadcasting facility; amending Minnesota Statutes 1982, sections 272.02, subdivision 1; 290.08, by adding a subdivision; 290.21, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 1187: A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; limiting certain tax reductions; amending Minnesota Statutes 1982, sections 124.2137, subdivision 1; 290.01, subdivisions 20a, as amended, and 20b, as amended; and 290.091; proposing new law coded in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 1188: A bill for an act relating to government meetings; providing that a meeting of fewer than a majority of a quorum is not subject to the open meeting law; amending Minnesota Statutes 1982, section 471.705, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Freeman, Laidig, Kroening, Belanger and Solon introduced—

S.F. No. 1189: A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

Referred to the Committee on Economic Development and Commerce.

Mr. Dicklich introduced—

S.F. No. 1190: A bill for an act relating to labor; regulating mediation, fact finding, and other functions of the bureau of mediation services; providing for violations of the labor union democracy act; amending Minnesota Statutes 1982, sections 179.02, subdivision 2, and by adding a subdivision; 179.07; 179.08; 179.083; 179.22; 179.38; 179.71, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 179; repealing Minnesota Statutes 1982, sections 179.05 and 179.23.

Referred to the Committee on Employment.

Messrs. Willet, Merriam and Luther introduced—

S.F. No. 1191: A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederick, Benson, Mrs. Kronebusch, Messrs. Knutson and Anderson introduced—

S.F. No. 1192: A bill for an act relating to property tax refund; clarifying the definition of homestead; disallowing the credit for months in which certain welfare benefits are received by the claimant; amending Minnesota Statutes 1982, section 290A.03, subdivision 6; 290A.04, by adding a subdivision; repealing Minnesota Statutes 1982, sections 256.879; and 290A.22.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Novak moved that S.F. No. 47 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Novak moved that the Senate concur in the amendments by the House

to S.F. No. 47 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 47: A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; appropriating money; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

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 8, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kronebusch	Nelson	Schmitz
Belanger	Frederickson	Laidig	Novak	Sieloff
Benson	Freeman	Langseth	Olson	Solon
Berg	Hughes	Lantry	Pehler	Spear
Berglin	Isackson	Lessard	Peterson, C.C.	Stumpf
Bernhagen	Johnson, D.E.	Luther	Peterson, D.C.	Taylor
Brataas	Johnson, D.J.	McQuaid	Peterson, D.L.	Vega
Chmielewski	Jude	Mehrkens	Pogemiller	Waldorf
Dahl	Knaak	Merriam	Ramstad	Wegscheid
Diessner	Knutson	Moe, D. M.	Reichgott	Willett
Dieterich	Kroening	Moe, R. D.	Renneke	

Those who voted in the negative were:

Anderson	Davis	Frederick	Samuelson	Ulland
Bertram	Dicklich	Kamrath		

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

MEMBERS EXCUSED

Messrs. DeCramer, Purfeerst and Storm were excused from the Session of today. Mr. Dahl was excused from the Session of today until 12:25 p.m. Mr. Novak was excused from the Session of today until 12:20 p.m. Mr. Peterson, R.W. was excused from the Session of today at 12:25 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 21, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate