

## FORTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 27, 1983

The Senate met at 10:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

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

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

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

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

The President declared a quorum present.

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

### REPORTS OF COMMITTEES

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

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

S.F. No. 911: A bill for an act relating to utilities; specifying the commission's authority over the availability of submetering; 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. Minnesota Statutes 1982, section 216B.02, subdivision 4, is amended to read:

Subd. 4. "Public utility" means persons, corporations or other legal entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining, or controlling in this state equipment or facilities for furnishing at retail natural, manufactured or mixed gas or electric service to or for the public or engaged in the production and retail sale thereof but does not include a municipality or a cooperative electric association, organized under the provisions of chapter 308 producing or furnishing natural, manufactured or mixed gas or electric service. Except as otherwise provided, the provisions of this chapter shall not be applicable to any sale of natural, manufactured or mixed gas or electricity by a public utility to another public utility for resale. In addition, the provisions of this chapter shall not apply to a public utility whose total natural gas business consists of supplying natural, manufactured or mixed gas to not more than 650 customers within a city pursuant to a franchise granted by the city, provided a resolution of the city council requesting exemption from regulation is filed with the commission. The city council may rescind the resolution requesting exemption at any time, and, upon the filing of the rescinding resolution with the commission, the provisions of this chapter shall apply to the public utility. No person shall be deemed to be a public utility if it ~~presently~~ furnishes its services only to tenants or cooperative or condominium owners in buildings owned, leased or operated by such person. No person shall be deemed to be a public utility if it ~~presently~~ furnishes service to occupants of a manufactured home or trailer park owned, leased, or operated by such person. No person shall be deemed to be a public utility if it ~~presently~~ produces or furnishes service to less than 25 persons.

Sec. 2. Minnesota Statutes 1982, section 216B.02, is amended by adding a subdivision to read:

*Subd. 6a. "Submetering" means measuring, by a building's owner, through mechanical or electronic devices, the use of electricity by occupants in multiple-unit residential or commercial buildings to fairly apportion the entire electrical costs for the building among its occupants.*

Sec. 3. [216B.022] [SUBMETERING.]

*Nothing in this chapter grants the commission or a public utility the authority to limit the availability of submetering to a building occupant when the building is served by a public utility's master meter which measures the total electric energy delivered to the building."*

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1982, section 216B.02, subdivision 4, and by adding a subdivision;"

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated

Industries, to which was referred

H.F. No. 409: A bill for an act relating to liquor; restrictions upon joint purchases and volume discounts at wholesale; amending Minnesota Statutes 1982, sections 340.408; and 340.983.

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

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

H.F. No. 167: A bill for an act relating to liquor; authorizing the city of Dilworth to issue one on-sale license to an Eagles Club.

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. 1093: A bill for an act relating to insurance; health and accident; allowing insurers to negotiate and contract for alternative rates of payment; allowing insurers to limit payments to providers who contract for alternative rates with the agreement of policyholders; amending Minnesota Statutes 1982, sections 62A.03, by adding a subdivision; 62A.10, by adding a subdivision; 62A.11, subdivision 5; 62C.14, subdivision 3; and 72A.20, subdivision 15.

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 72A.20, subdivision 15, is amended to read:

Subd. 15. [PRACTICES NOT HELD TO BE DISCRIMINATION OR REBATES.] Nothing in subdivisions 8 ~~and~~, 9, or 10, or in section 72A.12, subdivisions 3 and 4, shall be construed as including within the definition of discrimination or rebates any of the following practices:

(1) In the case of any contract of life insurance or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, ~~provided that any~~ *unless the* bonuses or abatement of premiums ~~shall be~~ *are* fair and equitable to policyholders and for the best interests of the company and its policyholders;

(2) In the case of life insurance policies issued on the industrial debit plan, making allowance, to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer, in an amount which fairly represents the saving in collection expense;

(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experienced ~~thereunder~~ *under that policy*, at the end of the first or any subsequent policy year of insurance ~~thereunder~~, which

may be made retroactive only for ~~such~~ the policy year;

(4) *In the case of a group health insurance policy, the payment of differing amounts of reimbursement to insureds who elect to receive health care goods or services from providers designated by the insurer. Any insurer that proposes to offer an arrangement to pay differing amounts as allowed under this section shall disclose before its initial offering and annually thereafter as a supplement to its annual statement submitted to the commissioner pursuant to section 60A.13, subdivision 1, or 62C.11, subdivision 1, the following information:*

(a) *The name which the arrangement intends to use and its business address;*

(b) *The name, address and nature of any separate organization that administers the arrangement on the behalf of the insurer; and*

(c) *The names and addresses of all providers designated by the insurer under this clause and the terms of the agreements with designated health care providers.*

*The commissioner shall maintain a record of arrangements proposed under this clause, including a record of any complaints submitted relative to the arrangements."*

Delete the title and insert:

*"A bill for an act relating to insurance; permitting differing benefit payments for services by designated health care providers; amending Minnesota Statutes 1982, section 72A.20, subdivision 15."*

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. 290: A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4, and by adding a subdivision; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

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

Page 4, after line 21, insert:

*"Sec. 7. [REPORT TO LEGISLATURE.]*

*Any county or home rule charter city establishing a health maintenance organization under sections 1 to 6 shall report to the legislature no later than January 1, 1985, on the operation of its health maintenance organization, including utilization by public assistance recipients and by individuals who are not public assistance recipients, the amount of money provided to the health maintenance organization by the county, and any cost savings."*

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring a report to the legislature;"

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. 363: A bill for an act relating to public welfare; providing for reimbursement of chiropractic services for people receiving general assistance medical care; clarifying the meaning of medically certified for purposes of eligibility for general assistance; amending Minnesota Statutes 1982, sections 256D.03, subdivision 4; and 256D.05, subdivision 1a.

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

Page 1, line 27, delete "and" and insert a comma and after "chiropractic" insert ", and podiatry"

Page 3, line 9, after the second comma, insert "podiatrist,"

Page 3, line 9, after "or" insert "licensed" and after "psychologist" insert a comma

Amend the title as follows:

Page 1, line 3, after "chiropractic" insert "and podiatry"

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

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

S.F. No. 1003: A bill for an act relating to public welfare; establishing a medical assistance social health maintenance organization demonstration project; proposing new law coded in Minnesota Statutes, chapter 256B.

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

Page 1, line 11, delete "a national"

Page 1, line 12, delete "project" and insert "projects"

Page 1, line 17, delete "their" and insert "its" and delete the colon

Page 1, delete lines 18 to 21 and insert "shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in section 256B.02, subdivision 8, in order to ensure that appropriate health care is delivered to enrollees."

Page 1, lines 24 and 25, delete "project" and insert "projects"

Page 2, line 4, delete "project" and insert "projects"

Page 2, line 9, after "for" insert "the"

Page 2, line 10, delete "project" and insert "projects"

Page 2, line 12, delete "*project's*" and insert "*projects*"

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

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

H.F. No. 166: A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 357.23; 388.051; 388.09; 388.18, subdivision 5; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 574.34; and 609.487, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 487.

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 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 or an ordinance 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 or an ordinance 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.

Sec. 2. Minnesota Statutes 1982, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 or an ordinance in conformity ~~therewith~~ with it before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which

determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the ~~district~~ county court.

Sec. 3. Minnesota Statutes 1982, section 299D.03, subdivision 5, is amended to read:

Subd. 5. [FINES AND FORFEITED BAIL MONEY.] (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by ~~such employees~~ *officers of the state patrol*, shall be paid by ~~such the~~ person or officer collecting ~~such the~~ fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which ~~such these~~ moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of ~~such these~~ receipts shall be credited to the general revenue fund of the county. The other five-eighths of ~~such these~~ receipts shall be transmitted by that officer to the state treasurer and shall be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer as provided in this subdivision. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by ~~such these~~ employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of ~~such these~~ receipts shall be transmitted by that officer to the state treasurer and shall be credited to the highway user tax distribution fund. Three-eighths of ~~such these~~ receipts shall be credited to the general revenue fund of the county.

Sec. 4. Minnesota Statutes 1982, section 357.13, subdivision 1, is amended to read:

Subdivision 1. [CITY POLICE; WITNESS FEES.] No police officer of any city shall receive any *witness fee* in a suit or prosecution brought in the name of the state, but any county *or city* may reimburse him for expenses actually incurred ~~therein~~.

Sec. 5. Minnesota Statutes 1982, section 388.051, is amended to read:

388.051 [DUTIES.]

~~It is the duty of~~ The county attorney ~~to~~ *shall*:

(a) Appear in all cases in which the county is a party;

(b) Give opinions and advice, upon the request of the county board or any

county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;

(c) Prosecute felonies, including the drawing of indictments found by the grand jury, ~~gross misdemeanors~~ and, to the extent prescribed by law, ~~violations of gross misdemeanors~~, misdemeanors, petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;

(d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;

(e) Request the clerk of court to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom he is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in his county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Sec. 6. Minnesota Statutes 1982, section 388.09, is amended to read:

#### 388.09 [OTHER ATTORNEY EMPLOYED.]

*Subdivision 1. [GENERAL PROVISIONS.]* When there is no county attorney, the county board may employ any competent attorney to perform ~~such~~ legal services for the county as ~~may be necessary~~. The board may employ an attorney other than the county attorney ~~either~~ to assist him ~~or~~, to appear for the county or any county officer ~~thereof~~ in any action in which ~~such~~ the county or officer in his official capacity is a party, ~~or~~ to advise the board or its members in relation ~~thereto~~ to the action, or in relation to any other matter affecting the interests of the county; ~~and~~. The county may pay ~~such~~ the attorney out of the funds of the county.

*Subd. 2. [MISDEMEANORS; OTHER PROSECUTIONS.]* Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these attorneys or members of the firms assistant county attorneys or employees of the county where the county attorney has responsibility for the prosecution of these charges. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.

Sec. 7. Minnesota Statutes 1982, section 388.18, subdivision 5, is amended to read:

*Subd. 5. [BUDGET FOR OFFICE.]* The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other



expenses necessary in the performance of the duties of ~~said~~ the office; and (3) (4) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office ~~and~~. The board is authorized to appropriate funds ~~therefor~~ for those purposes.

Sec. 8. Minnesota Statutes 1982, section 481.17, is amended to read:

481.17 [COUNTY, CITY, AND SCHOOL DISTRICT ATTORNEYS.]

In all counties in this state having a population of not more than 12,000, the offices of county attorney, city attorney, and school district attorney shall not be deemed incompatible and may be held by the same person. *For the purposes of prosecution of violations of state laws, municipal ordinances, charter provisions, or municipal regulations, the offices of county attorney and city attorney shall not be deemed incompatible and may be held by the same person, regardless of the population of the county.*

Sec. 9. Minnesota Statutes 1982, section 487.25, subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] *Except as otherwise provided by law, violations of state law which are petty misdemeanors, misdemeanors, or violations of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred if that municipality has an attorney. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.*

*In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law which are petty misdemeanors, misdemeanors, or gross misdemeanors, or violations of a municipal ordinance, charter provision, rule, or regulation shall be prosecuted by the attorney of the municipality where the violation is alleged to have occurred. The municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred.*

Sec. 10. Minnesota Statutes 1982, section 487.33, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] *Except as otherwise provided by sections 487.01 to 487.39 or 574.34, the clerk of county court shall pay to the county treasurer all fines, penalties and fees collected by him, all sums forfeited to the court and all other moneys received by him.*

Sec. 11. Minnesota Statutes 1982, section 487.33, subdivision 5, is amended to read:

Subd. 5. [ALLOCATION.] *The clerk shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed which employed or provided by contract the arresting or apprehending officer and the name of the municipality or other subdivision of government which employed the prosecuting attorney or oth-*

*erwise provided for prosecution of the offense for each fine or penalty and the total amount of fines or penalties collected for each ~~such~~ municipality or other subdivision of government. On or before the last day of each month, the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and ~~one-half~~ one-third of all fines or penalties collected during the previous month for offenses committed within ~~such~~ the municipality or subdivision of government from persons arrested or issued citations by officers employed by the municipality or subdivision or provided by the municipality or subdivision by contract. An additional one-third of all fines or penalties shall be paid to the municipality or subdivision of government providing prosecution of offenses of the type for which the fine or penalty is collected occurring within the municipality or subdivision, imposed for violations of state statute or of an ordinance, charter provision, rule or regulation of a city whether or not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as otherwise provided by law-, all other fines and forfeitures and all fees and costs collected by the clerk of court shall be paid to the county treasurer of the county in which the funds were collected who shall dispense ~~the same~~ them as provided by law.*

Sec. 12. [487.331] [CHISAGO COUNTY; EXCEPTION.]

*Sections 5 to 11 do not apply to Chisago County and cities within it. Laws 1975, chapter 392, sections 1 and 2 shall continue to govern prosecutions for offenses alleged to have occurred within Chisago County. The county attorney of Chisago County shall also prosecute petty misdemeanor violations of state law alleged to have occurred within the county, and may also prosecute alleged violations of municipal charter provisions or municipal rules or regulations when requested to do so by the municipality, in addition to the offenses he is authorized to prosecute under Laws 1975, chapter 392, sections 1 and 2.*

Sec. 13. [487.332] [JOINT POWERS.]

*Nothing contained in this act shall supersede any powers any governmental unit has under section 471.59.*

Sec. 14. Minnesota Statutes 1982, section 488A.03, subdivision 10, is amended to read:

Subd. 10. [ORDER FOR PRISONER RELEASE.] When a person is confined to the Minneapolis workhouse and a fine is remitted, a sentence stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which he was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the clerk and under the court's seal shall be furnished to the superintendent of the Minneapolis workhouse. All costs of confinement or imprisonment in any jail or workhouse shall be paid by the municipality or subdivision of government in Hennepin county in which the violation occurred, *except that the county shall pay all costs of confinement or imprisonment incurred as a result of a prosecution of a gross misdemeanor.*

Sec. 14. Minnesota Statutes 1982, section 488A.10, subdivision 11, is

amended to read:

Subd. 11. [PROSECUTING ATTORNEYS.] Except as otherwise provided in this subdivision, the attorney of the municipality in which the violation is alleged to have occurred ~~shall have~~ *has* charge of the prosecution of all violations of the state laws, *including violations which are gross misdemeanors*, and municipal charter provisions, ordinances, rules and regulations triable in the municipal court and shall prepare complaints for ~~said the~~ violations. The county attorney ~~shall have~~ *has* charge of the prosecution of a violation triable in municipal court and shall prepare a complaint for ~~said the~~ violation:

(a) if he is specifically designated by law as the prosecutor for the particular violation charged; or

(b) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal census is less than 2500 and whose governing body ~~( , or the town board~~ in the case of a town, ~~the town board~~) has accepted this paragraph by majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin county or by a member of the state patrol.

Paragraph (b) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2500 or more, regardless of whether or not it has previously accepted the paragraph.

Sec. 15. Minnesota Statutes 1982, section 574.34, is amended to read:

574.34 [FINES, HOW DISPOSED OF.]

*Subdivision 1. [GENERAL.] Fines and forfeitures not specially granted or appropriated by law shall be paid into the treasury of the county where ~~the same~~ they are incurred.*

*Subd. 2. [MUNICIPAL PROSECUTION; GROSS MISDEMEANORS.] If a city or municipal attorney prosecutes a gross misdemeanor offense, the proceeds of any fine collected by the court shall be disbursed in the same manner as though the offense was a misdemeanor prosecuted by the city or municipal attorney in county or municipal court. The county shall pay for any costs associated with incarceration.*

Sec. 16. [EFFECTIVE DATE.]

*This act is effective January 1, 1984."*

Delete the title and insert:

"A bill for an act relating to local government; providing for prosecution of certain gross misdemeanors; authorizing agreements between cities and counties for the prosecution of certain offenses by county attorneys; authorizing counties pursuant to agreement with cities to engage attorneys for prosecution of misdemeanors, petty misdemeanors, and violations of municipal ordinances, charters, and regulations; establishing a formula for disposition of fine proceeds; authorizing cities to pay certain witness expenses; amending Minnesota Statutes 1982, sections 169.121, subdivision 3; 169.129; 299D.03, subdivision 5; 357.13, subdivision 1; 388.051;

388.09; 388.18, subdivision 5; 481.17; 487.25, subdivision 10; 487.33, subdivisions 1 and 5; 488A.03, subdivision 10; 488A.10, subdivision 11; and 574.34; proposing new law coded in Minnesota Statutes, chapter 487."

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. 1142: A bill for an act relating to contracts; prohibiting the enforcement of indemnification agreements in construction contracts; proposing new law coded as Minnesota Statutes, chapter 337.

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

Page 1, line 25, before the period, insert "*by the promisee*"

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

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

H.F. No. 540: A bill for an act relating to crimes; creating the crimes of unlawfully obtaining services from a provider of regular route transit and unlawfully interfering with a transit operator while the operator is performing his or her duties; prohibiting disruptive behavior on a transit vehicle; providing penalties; 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 23, delete "*his or her*"

Page 2, line 2, delete "*(except watches)*" and insert "*, other than a watch,*"

Page 2, line 3, delete everything after the comma

Page 2, line 4, delete "*if*" and insert "*unless*"

Page 2, line 7, after "*smokes*" insert "*or carries lighted smoking paraphernalia*"

Page 2, line 9, delete "*officials*" and insert "*official*"

Page 2, line 13, delete "*a petty misdemeanor*" and insert "*disruptive behavior*"

Page 2, line 13, delete everything after "*and*"

Page 2, delete line 14 and insert "*may be sentenced as provided in subdivision 4.*"

Page 2, line 15, delete "*or 2*" and insert "*, 2, or 3*"

Page 2, line 21, delete "*payment of a fine of not more than \$100*" and insert "*the penalty imposed in section 169.89, 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

H.F. No. 74: A bill for an act relating to notaries public; increasing the fees they may charge; amending Minnesota Statutes 1982, section 357.17.

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

Page 1, line 10, after "The" insert "*maximum*"

Page 1, line 11, strike everything after "follows"

Page 1, line 12, strike "charged"

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

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

H.F. No. 602: A bill for an act relating to commerce; providing for a nonpossessory mechanics' lien under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 514.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 710: A bill for an act relating to the collection and dissemination of data; requiring the bureau of criminal apprehension to compile criminal history data relating to misdemeanor assaults; requiring law enforcement agencies to collect and furnish misdemeanor assault data to the bureau; proposing new law coded in Minnesota Statutes, chapter 299C.

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

Page 1, delete subdivision 1

Renumber the subdivisions in sequence

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

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

H.F. No. 31: A bill for an act relating to veterans affairs; prohibiting searches at the Minnesota veterans home except under criminal warrant; proposing new law coded in Minnesota Statutes, chapter 198.

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

Page 1, line 13, delete "*which is guaranteed by*"

Page 1, delete lines 14 to 19 and insert ". A search of a resident's room or property may be conducted only when necessary to protect the residents from

*weapons, illegal drugs, or alcohol, if possession is prohibited by the commissioner, and is subject to the following:*

*(a) Prior to conducting a search of a resident's room or property, the administrator shall provide written authorization to conduct the search. This authorization must identify the resident whose room or property is to be searched, state the nature of the risk to the health or safety of that resident or to other individuals in the home, set forth the facts which establish that the risk exists and the source of those facts, and particularly describe the area to be searched and the property to be seized. A separate authorization must be completed for each resident whose room or property is to be searched.*

*(b) The resident shall be informed of the reasons necessitating a search of his room or property and shall be present during the conduct of the search if the resident requests to be present. A copy of the administrator's authorization must be given to the resident.*

*(c) If property or other items are taken, a written receipt describing the property or items taken must be given to the resident.*

*(d) The provisions of this section do not restrict the entry by employees of the home into a resident's room or into areas where the personal possessions of residents are stored for the purpose of providing care or services to the resident or for housekeeping and maintenance purposes. The provisions of this section do not apply to inspections conducted by governmental agencies for the purpose of assessing compliance with state or federal laws and regulations.*

*(e) Unauthorized searches or seizures by employees of the Minnesota veterans home may be grounds for dismissal."*

Page 1, line 20, delete "A resident of"

Page 1, line 21, delete "be required" and insert "require a resident"

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

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. 732: A bill for an act relating to civil commitment; clarifying the definition of person mentally ill and dangerous to the public; clarifying the commissioner's duty to review the correspondence rights of patients; providing for informal admissions of persons under 16 years of age; providing for special emergency admissions of chemically dependent persons; clarifying the role of examiners in certain instances; removing the 60-day hearing requirement for mentally retarded persons; providing for involuntary return to a facility after revocation of provisional discharges; providing for 60-day hearings for persons committed as mentally ill and dangerous; changing the time limitation on certain special review board petitions; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, sub-

division 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26.

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

Page 2, after line 30, insert:

"Sec. 5. Minnesota Statutes 1982, section 253B.03, subdivision 6, is amended to read:

Subd. 6. [CONSENT FOR MEDICAL PROCEDURE.] A patient has the right to prior consent to any medical or surgical treatment, other than the treatment of mental illness, mental retardation or chemical dependency. The following procedures shall be used to obtain consent for any treatment necessary to preserve the life or health of any committed patient:

- (1) The consent of a competent adult patient for the treatment is sufficient.
- (2) If the patient is subject to guardianship or conservatorship which includes the provision of medical care, the consent of the guardian or conservator for the treatment is sufficient.
- (3) If the head of the treatment facility determines that the patient is not competent to consent to the treatment and the patient has not been adjudicated incompetent, consent for the surgery shall be obtained from the nearest proper relative. For this purpose, the following persons are proper relatives, in the order listed: the patient's spouse, parent, adult child, or adult sibling. If the nearest proper relatives cannot be located or refuse to consent to the procedure, the head of the treatment facility or an interested person may petition the committing court for approval for the treatment or may petition an appropriate court for the appointment of a guardian or conservator. The determination that the patient is not competent, and the reasons for the determination, shall be documented in the patient's clinical record.
- (4) ~~Consent for a medical procedure upon a minor shall be governed by other provisions of law relating to the provision of treatment to minors to treatment of any minor patient shall be secured in accordance with sections 144.341 to 144.346, except that a minor 16 years of age or older may give valid consent for hospitalization, routine diagnostic evaluation, and emergency or short term acute care.~~
- (5) In the case of an emergency and when the persons ordinarily qualified to give consent cannot be located, the head of the treatment facility may give consent.

No person who consents to treatment pursuant to the provisions of this subdivision shall be civilly or criminally liable for the performance or the manner of performing the treatment. No person shall be liable for performing treatment without consent if consent was given pursuant to this subdivision. This provision shall not affect any other liability which may result from the manner in which the treatment is performed."

Page 3, line 4, after "guardian" insert "if it is determined by independent examination that there is reasonable evidence that (a) the proposed patient is

*mentally ill, mentally retarded, or chemically dependent; and (b) the proposed patient is suitable for treatment"*

Page 3, line 16, after "is" insert "*believed to be chemically dependent or is*"

Page 3, line 18, after "person is" insert "*intoxicated in public or is*"

Page 4, line 2, after "others" insert "*or is intoxicated in public*"

Page 4, line 7, delete "*this section*" and insert "*subdivision 1*"

Page 4, after line 8, insert:

"Sec. 9. Minnesota Statutes 1982, section 253B.06, is amended to read:

253B.06 [MEDICAL EXAMINATION.]

*Subdivision 1. [MENTALLY ILL AND MENTALLY RETARDED PERSONS.] The head of a treatment facility shall arrange to have every patient hospitalized as mentally ill or mentally retarded pursuant to section 253B.04 or 253B.05 examined by a physician as soon as possible but no more than 48 hours following the time of admission. The physician shall be knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a mentally ill or mentally retarded person.*

*Subd. 2. [CHEMICALLY DEPENDENT PERSONS.] Patients hospitalized as chemically dependent pursuant to sections 253B.04 or 253B.05 shall also be examined within 48 hours of admission. At a minimum, the examination shall consist of a physical evaluation by facility staff according to procedures established by a physician and an evaluation by staff knowledgeable and trained in the diagnosis of the alleged disability related to the need for admission as a chemically dependent person.*

*Subd. 3. [DISCHARGE.] At the end of a 48 hour period, any patient admitted pursuant to section 253B.05 shall be discharged if an examination has not been held or if the examiner or evaluation staff person fails to notify the head of the treatment facility in writing that in his opinion the patient is apparently in need of care, treatment, and evaluation as a mentally ill, mentally retarded, or chemically dependent person."*

Pages 6 and 7, delete sections 12 to 14

Page 8, line 24, delete "*public*" and insert "*a*"

Page 8, line 25, delete "*personnel*" in both places and insert "*officer*" in both places and before "*welfare*" insert "*a*"

Page 8, line 27, delete "*as*" and insert "*which*"

Page 12, after line 10, insert:

"Sec. 23. [253B.212] [COMMITMENT BY TRIBAL COURT; RED LAKE BAND OF CHIPPEWA INDIANS.]

*Subdivision 1. [COST OF CARE.] The commissioner of public welfare may contract with and receive payment from the Indian Health Service of the United States Department of Health and Human Services for the care and treatment of those members of the Red Lake Band of Chippewa Indians who have been committed by tribal court order to the Indian Health Service for*



care and treatment of mental illness, mental retardation, or chemical dependency. The contract shall provide that the Indian Health Service may not transfer any person for admission to a regional center unless the commitment procedure utilized by the tribal court provided due process protections similar to those afforded by sections 253B.05 to 253B.10.

*Subd. 2. [EFFECT GIVEN TO TRIBAL COMMITMENT ORDER.] When, under an agreement entered into pursuant to subdivision 1, the Indian Health Service applies to a regional center for admission of a person committed to the jurisdiction of the health service by the tribal court as mentally ill, mentally retarded, or chemically dependent, the commissioner may treat the patient with the consent of the Indian Health Service.*

*A person admitted to a regional center pursuant to this section has all the rights accorded by section 253B.03. In addition, treatment reports, prepared in accordance with the requirements of section 253B.12, subdivision 1, shall be filed with the Indian Health Service within 60 days of commencement of the patient's stay at the facility. A subsequent treatment report shall be filed with the Indian Health Service within six months of the patient's admission to the facility or prior to discharge, whichever comes first. Provisional discharge or transfer of the patient may be authorized by the head of the treatment facility only with the consent of the Indian Health Service. Discharge from the facility to the Indian Health Service may be authorized by the head of the treatment facility after notice to and consultation with the Indian Health Service."*

Page 12, line 11, after the second comma, insert "subdivision 1,"

Page 12, line 18, strike "or" and insert a comma

Page 12, line 19, before "and" insert ", or chemical dependency," and delete "and, if the"

Page 12, lines 20 to 22, delete the new language

Page 12, delete lines 30 to 36

Page 13, delete lines 1 to 22

Page 13, line 30, delete everything after the period

Page 13, line 31, delete "not arranged,"

Page 13, line 32, delete "revocation or"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete everything after the semicolon

Page 1, delete line 10

Page 1, line 15, after the semicolon, insert "authorizing the commissioner to accept admissions to regional centers from the Indian Health Service;"

Page 1, line 17, delete "subdivision 2" and insert "subdivisions 2 and 6"

Page 1, line 19, after the first semicolon, insert "253B.06;"

Page 1, line 20, delete everything after the first comma

Page 1, line 21, after the first "subdivision" insert "1"

Page 1, line 23, after "253B.22" insert ", subdivision 1"

Page 1, line 25, before the period, insert "; proposing new law coded in Minnesota Statutes, chapter 253B"

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

Ms. Berglin from the Committee on Health and Human Services, to which were referred the following appointments as reported in the Journal for February 2, 1983:

**DEPARTMENT OF PUBLIC WELFARE  
COMMISSIONER**

Leonard W. Levine

**DEPARTMENT OF HEALTH  
COMMISSIONER**

Sister Mary Madonna Ashton

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

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred the following appointment as reported in the Journal for March 7, 1983:

**GILLETTE HOSPITAL BOARD**

Kjell Bergh

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

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 911, 1093, 1003, 1142 and 732 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 409, 167, 290, 166, 540, 74, 602 and 31 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Spear moved that the name of Mr. Nelson be added as a co-author to S.F. No. 83. The motion prevailed.

Mr. Renneke moved that the name of Mr. Dahl be added as a co-author to S.F. No. 301. The motion prevailed.

Mr. Dahl moved that H.F. No. 26 and the Conference Committee Report

thereon be taken from the table. The motion prevailed.

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 26

A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

April 19, 1983

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives  
The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 26, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 26 be further amended as follows:

Page 1, line 12, delete "(1)" and insert "(a)"

Page 1, line 13, delete "normally"

Page 1, line 14, after "purposes" insert "at least 40 percent of the time"

Page 1, line 19, delete "(2)" and insert "(b)"

Page 1, line 24, delete "(3)" and insert "(c)"

Page 2, line 4, delete "(4)" and insert "(d)"

Page 2, line 4, delete "(a)" and insert "(1)"

Page 2, line 6, delete "(b)" and insert "(2)"

Page 2, line 22, delete the first "or"

Page 2, line 22, after "agents" insert a comma

Page 2, line 22, after the second "or" insert "its"

Page 2, line 27, after "shall" insert ", at the consumer's option, either"

Page 2, line 30, after the first comma, insert "including the cost of any options or other modifications arranged, installed, or made by the manufacturer, its agent, or its authorized dealer within 30 days after the date of original delivery,"

Page 2, line 32, after "vehicle" insert "not exceeding ten cents per mile driven or ten percent of the purchase price of the vehicle, whichever is less"

Page 2, line 32, delete "shall" and insert "must"

Page 2, line 34, delete "may"

Page 3, line 9, after "or" insert "its"

Page 3, line 13, delete the second "or" and insert a comma

Page 3, line 14, after "agents" insert a comma

Page 3, line 14, after "or" insert "its"

Page 3, line 20, after the period, insert:

*“(c) If the nonconformity results in a complete failure of the braking or steering system of the new motor vehicle and is likely to cause death or serious bodily injury if the vehicle is driven, it is presumed that a reasonable number of attempts have been undertaken to conform the vehicle to the applicable express warranties if the conformity has been subject to repair at least once by the manufacturer, its agents, or its authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, and the nonconformity continues to exist.*

*(d)”*

Page 3, line 24, delete *“In”*

Page 3, line 25, delete *“no event shall”* and insert:

*“(e)”*

Page 3, line 25, delete *“this section”* and insert *“ paragraph (b)”*

Page 3, line 25, delete *“apply”* and insert *“applies”*

Page 3, line 26, delete *“unless”* and insert *“only if”*

Page 3, line 26, delete the first *“or”* and insert a comma

Page 3, line 26, after *“agent”* insert a comma

Page 3, line 26, after the second *“or”* insert *“its”*

Page 3, line 27, after *“prior”* insert *“written”*

Page 3, line 28, after *“consumer”* insert *“at least once”*

Page 3, line 29, after the period, insert: *“If the notification is received by the manufacturer’s agent or authorized dealer, the agent or dealer must forward it to the manufacturer by certified mail, return receipt requested.*

*(f) At the time of purchase the manufacturer, either directly or through its agent or its authorized dealer, must provide the consumer a written statement on a separate piece of paper, in ten point all capital type, in substantially the following form: “IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. HOWEVER, TO BE ENTITLED TO REFUND OR REPLACEMENT, YOU MUST FIRST NOTIFY THE MANUFACTURER, ITS AGENT, OR ITS AUTHORIZED DEALER OF THE PROBLEM IN WRITING AND GIVE THEM AN OPPORTUNITY TO REPAIR THE VEHICLE.”*

Subd. 4. [RESALE OF RETURNED MOTOR VEHICLE.] *(a) If a motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state, it may not be resold in this state unless:*

*(1) the manufacturer provides the same express warranty it provided to the original purchaser, except that the term of the warranty need only last for 12,000 miles or 12 months after the date of resale, whichever is earlier; and*

*(2) the manufacturer provides the consumer with a written statement on a separate piece of paper, in ten point all capital type, in substantially the*

*following form: "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S EXPRESS WARRANTY AND THE NONCONFORMITY WAS NOT CURED WITHIN A REASONABLE TIME AS PROVIDED BY MINNESOTA LAW."*

*The provisions of this section apply to the resold motor vehicle for full term of the warranty required under this subdivision.*

*(b) Notwithstanding the provisions of paragraph (a), if a new motor vehicle has been returned under the provisions of subdivision 3 or a similar statute of another state because of a nonconformity resulting in a complete failure of the braking or steering system of the motor vehicle likely to cause death or serious bodily injury if the vehicle was driven, the motor vehicle may not be resold in this state."*

Renumber the subdivisions in sequence

Page 4, line 2, after "as" insert "nonbinding" and delete " but not binding"

Page 4, line 10, delete "shall" and insert "must"

Page 4, line 13, delete "earlier" and insert "later"

Page 4, line 18, before "Section" insert "Section 1, subdivision 3, paragraph (f), is effective June 15, 1983. The rest of" and after "enactment" insert "and applies to all motor vehicles which as of that date are still under a manufacturer's express warranty and were originally delivered during the previous one-year period"

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

House Conferees: (Signed) Joseph R. Begich, John J. Sarna, Marcus Marsh

Senate Conferees: (Signed) Gregory L. Dahl, Ember D. Reichgott, Gen Olson

Mr. Dahl moved that the foregoing recommendations and Conference Committee Report on H.F. No. 26 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 26 was read the third time as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

H.F. No. 760: A bill for an act relating to retirement; making various administrative and clarifying amendments to laws governing the Minnesota state retirement system and other retirement plans administered by the system; amending Minnesota Statutes 1982, sections 352.01, subdivisions 11, 16, and 17; 352.021, subdivision 5; 352.113, subdivisions 2, 4, and 6; 352.115, subdivision 8; 352.12, subdivisions 3, 4, and 10; 352.15, subdivision 1; 352.22, subdivision 3; 352.93, subdivision 1; 352.95, subdivisions 4 and 5; 352B.01, subdivisions 3, 9, and 10; 352B.02, subdivision 1; 352B.03, subdivision 2; 352B.05; 352B.07; 352B.071; 352B.08, subdivision 1; 352B.105; 352B.11, subdivisions 1, 4, and by adding a subdivision; 352B.30, subdivision 1; 352D.015, subdivision 9; 352D.02, subdivision 3; 352D.04, subdivision 1; and 490.124, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 352B; repealing Minnesota Statutes 1982, sections 352.041, subdivision 6; 352.115, subdivisions 4 and 5; 352.118; 352.1191; 352.22, subdivision 4; 352.71; 352.93, subdivisions 5 and 6; 352B.01, subdivision 8; 352B.02, subdivision 2; 352B.06; 352B.13; 352B.261; and 352B.262.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 281: A bill for an act relating to elections; changing the date and

time of precinct caucuses; prohibiting various government, school and university events on caucus night; amending Minnesota Statutes 1982, sections 202A.14, subdivision 1; and 202A.19.

Mr. Frederickson moved to amend S.F. No. 281 as follows:

Page 1, line 11, reinstate the stricken language and delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 45 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Pehler	Solon
Anderson	Frederick	Kronebusch	Peterson, C.C.	Spear
Belanger	Frederickson	Langseth	Peterson, D.L.	Stumpf
Benson	Isackson	Lessard	Peterson, R.W.	Taylor
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Uiland
Chmielewski	Jude	Mehrkens	Renneke	Vega
Dahl	Kamrath	Moe, R. D.	Samuelson	Waldorf
DeCramer	Knaak	Nelson	Schmitz	Wegscheid
Diessner	Knutson	Olson	Sieloff	Willet

Those who voted in the negative were:

Berglin	Freeman	Lantry	Novak	Pogemiller
Dicklich	Hughes	Luther	Peterson, D.C.	Reichgott
Frank	Johnson, D.J.	Moe, D. M.	Petty	

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend S.F. No. 281 as follows:

Page 1, line 12, reinstate the stricken language and delete the new language

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

Mr. Purfeerst moved to amend S.F. No. 281 as follows:

Page 1, line 11, strike "8:00" reinstated by the Frederickson amendment and insert "1:00"

Page 1, line 12, strike "Tuesday" and insert "Saturday"

Mr. Peterson, R.W. moved to amend the Purfeerst amendment to S.F. No. 281 as follows:

After the Purfeerst amendment insert:

Page 1, line 22, delete "6:00" and strike "p.m." and insert "11:00 a.m."

Page 2, lines 11, 14 and 23, delete "6:00" and strike "p.m." and insert "11:00 a.m."

Page 2, line 26, delete "6:00 p.m." and insert "11:00 a.m."

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

The question recurred on the Purfeerst amendment, as amended.

The motion did not prevail. So the amendment, as amended, was not adopted.

S.F. No. 281 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lessard	Petty	Stumpf
Belanger	Frederickson	Luther	Pogemiller	Vega
Berglin	Freeman	Moe, D. M.	Ramstad	Waldorf
Chmielewski	Hughes	Moe, R. D.	Reichgott	Wegscheid
Dahl	Johnson, D.J.	Nelson	Renneke	Willet
DeCramer	Jude	Novak	Schmitz	
Dicklich	Kronebusch	Olson	Sieloff	
Diessner	Langseth	Peterson, D.C.	Solon	
Dieterich	Lantry	Peterson, R.W.	Spear	

Those who voted in the negative were:

Anderson	Bertram	Kamrath	Laidig	Peterson, D.L.
Benson	Frederick	Knaak	McQuaid	Purfeerst
Berg	Isackson	Knutson	Mehrkens	Samuelson
Bernhagen	Johnson, D.E.	Kroening	Pehler	Taylor

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

### SPECIAL ORDER

H.F. No. 987: A bill for an act relating to public utilities; providing for additional investment authority of bond proceeds; amending Minnesota Statutes 1982, section 216B.49, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 791: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey to private persons, under certain circumstances, road easements across railroad rights-of-way acquired



for trail purposes; proposing new law coded in Minnesota Statutes, chapter 84.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 996: A bill for an act relating to financial institutions; authorizing the approval of applications for bank charters and detached facilities; establishing emergency procedures to prevent loss of banking services in a community as a result of a failing bank; amending Minnesota Statutes 1982, section 45.05; proposing new law coded in Minnesota Statutes, chapter 47.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 607: A bill for an act relating to state employees; authorizing the deduction from salaries or wages of sums of money designated by them for certain combined charitable funds; amending Minnesota Statutes 1982, section 15.375, subdivision 2; proposing new law coded in Minnesota Stat-

utes, chapter 309; repealing Minnesota Statutes 1982, section 15.375, subdivision 1.

Mr. Spear moved to amend S.F. No. 607 as follows:

Page 1, line 14, strike "may" and insert "shall"

Page 1, line 26, begin a new paragraph with "(1)"

Page 2, line 3, begin a new paragraph with "(2)"

Page 2, line 5, delete everything after the semicolon

Page 2, line 6, delete "chapter;" and insert:

*"(3) Which is governed by a voluntary board of directors which represents the broad interests of the public;*

*(4) Which distributes at least 70 percent of contributions collected in its annual consolidated campaign drive and expends no more than 30 percent of these collected contributions for management and general costs and fund raising costs;*

*(5) And each designated agency supported by the recipient institution devotes substantially all of its activities directly to providing health, welfare, social or other human services to individuals;*

*(6) And each designated agency supported by the recipient institution provides health, welfare, social or other human services, in the community and surrounding area in which the recipient institution's fund drive takes place;"*

Page 2, line 6, delete "(4)" and insert "(7)"

The motion prevailed. So the amendment was adopted.

S.F. No. 607 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 37 and nays 24, as follows:

Those who voted in the affirmative were:

Belanger	Freeman	Moe, D. M.	Petty	Spear
Berglin	Hughes	Moe, R. D.	Pogemiller	Taylor
Dahl	Johnson, D.J.	Nelson	Purfeerst	Vega
DeCramer	Langseth	Olson	Ramstad	Wegscheid
Dicklich	Lantry	Pehler	Reichgott	Willet
Diessner	Luther	Peterson, C. C.	Samuelson	
Dieterich	McQuaid	Peterson, D. C.	Schmitz	
Frank	Mehrkens	Peterson, R. W.	Solon	

Those who voted in the negative were:

Adkins	Bertram	Johnson, D.E.	Kronebusch	Sieloff
Anderson	Chmielewski	Jude	Laidig	Stumpf
Benson	Frederick	Kamrath	Lessard	Ulland
Berg	Frederickson	Knaak	Peterson, D.L.	Waldorf
Bernhagen	Isackson	Kroening	Renneke	

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

## RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 1:00 p.m. The

motion prevailed.

The hour of 1:00 p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

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

### SPECIAL ORDER

H.F. No. 787: A bill for an act relating to metropolitan government; regulating the organization, duties, and powers of the metropolitan mosquito control district and commission; amending Minnesota Statutes 1982, sections 473.702; 473.703, subdivisions 1 and 9; 473.704, subdivision 13; 473.711, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 473.

Mr. Kamrath moved to amend H.F. No. 787 as follows:

Page 4, after line 6, insert:

“Sec. 9. [COMMISSION ON MOSQUITO FLIGHT.]

Subdivision 1. A legislative commission to study mosquito flight patterns within 50 miles of the mosquito control district is established.

Subd. 2. The mosquito control district is authorized to implement a mosquito and black gnat banding program for approximately two percent of the mosquito population and four percent of the black gnat population within the control district.

(1) The district is prohibited from discriminating on the basis of mosquito and/or gnat sex in implementing this banding program;

(2) Votes of individual legislators shall not be used as a criteria for determining boundaries of the banding areas.

Subd. 3. [PENALTY.] Citizens finding dead or swatted mosquitoes or black gnats which are banded are required to report the same to the mosquito control district.

Penalty for failure to report a dead or swatted mosquito or black gnat which is banded is a Petty-misdemeanor.

Subd. 4. [FUNDING.] Bonding for banding shall not be allowed under this provision.”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 1 and nays 37, as follows:

Mr. Kamrath voted in the affirmative.

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Peterson, C.C.	Spear
Anderson	Frank	Laidig	Peterson, D.C.	Vega
Berg	Freeman	Langseth	Peterson, R.W.	Waldorf
Berglin	Hughes	Lantry	Petty	Wegscheid
Bernhagen	Isackson	Luther	Pogemiller	Willet
Bertram	Johnson, D.E.	McQuaid	Purfeerst	
Dahl	Jude	Moe, R. D.	Samuelson	
DeCramer	Knaak	Pehler	Schmitz	

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

H.F. No. 787 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 91: 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.

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

The question was taken on the passage of the bill.

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

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

Those who voted in the affirmative were:

Berglin	Freeman	Moe, D. M.	Pogemiller	Vega
Dahl	Johnson, D.J.	Novak	Purfeerst	Wegscheid
DeCramer	Jude	Pehler	Reichgott	
Diessner	Kroening	Peterson, D.C.	Samuelson	
Dieterich	Lantry	Peterson, R.W.	Solon	
Frank	Luther	Petty	Spear	

Those who voted in the negative were:

Adkins	Frederick	Knutson	Moe, R. D.	Stumpf
Anderson	Frederickson	Kronebusch	Olson	Taylor
Belanger	Hughes	Laidig	Peterson, C.C.	Ulland
Berg	Isackson	Langseth	Peterson, D.L.	Waldorf
Bernhagen	Johnson, D.E.	Lessard	Ramstad	Willet
Bertram	Kamrath	McQuaid	Renneke	
Dicklich	Knaak	Mehrkens	Schmitz	

So the bill failed to pass.

**SPECIAL ORDER**

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.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

H.F. No. 605: 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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

H.F. No. 482: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Ms. Peterson, D.C. moved that the amendment made to H.F. No. 482 by the Committee on Rules and Administration in the report adopted April 13, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Ms. Peterson, D.C. moved to amend H. F. No. 482 as follows:

Page 1, line 25, after the period, insert *"If a member intentionally violates the requirements of this subdivision, that member shall be subject to a civil penalty in an amount not to exceed \$100. An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the member is located."*

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete "subdivision"

Page 1, line 5, delete "2; and"

The motion prevailed. So the amendment was adopted.

H.F. No. 482 was then progressed.

**SPECIAL ORDER**

H.F. No. 223: A bill for an act relating to taxation; authorizing the assess-

ment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing for payment of withholding taxes by contractors and certain subcontractors prior to final contract settlement; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 290A.42, subdivision 2; and 524.3-805.

Mr. Peterson, R.W. moved to amend H.F. No. 223, as amended pursuant to Rule 49, adopted by the Senate March 17, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 361.)

Amend the title as follows:

Page 1, line 4, after "references;" insert "clarifying that administrative subpoenas are enforced in the judicial district where the party served is located;"

Page 1, line 24, delete "290A.42" and insert "297A.42"

The motion prevailed. So the amendment was adopted.

H.F. No. 223 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Pehler	Schmitz
Anderson	Dieterich	Kroening	Peterson, C.C.	Solon
Belanger	Frank	Kronebusch	Peterson, D.C.	Spear
Benson	Frederick	Laidig	Peterson, D.L.	Stumpf
Berglin	Frederickson	Lantry	Peterson, R.W.	Taylor
Bernhagen	Freeman	Lessard	Petty	Ulland
Bertram	Hughes	Luther	Pogemiller	Vega
Chmielewski	Isackson	McQuaid	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Mehrkins	Ramstad	Wegscheid
DeCramer	Johnson, D.J.	Moe, R. D.	Reichgott	Willet
Dicklich	Knaak	Olson	Samuelson	

Messrs. Berg and Kamrath voted in the negative.

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

The question recurred on H.F. No. 482.

### SPECIAL ORDER

H.F. No. 482: A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota

Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

Mr. Willet moved to amend H.F. No. 482 as follows:

Page 1, line 23, before the comma, insert "*as defined in chapter 13*"

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend H.F. No. 482 as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1982, section 471.705, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission ~~or~~, department, *or legislature* when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, *conference committee*, department or commission thereof, shall be open to the public, except meetings of the board of pardons and the corrections board. The votes of the members of such state agency, board, commission, *legislature*, or department or of such governing body, committee, subcommittee, *conference committee*, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "materials;" insert "including the legislature in the open meeting law;"

Page 1, line 4, delete "subdivision" and insert "subdivisions 1 and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Mehrkens	Taylor
Belanger	Frederickson	Knutson	Olson	Ulland
Benson	Isackson	Kronebusch	Peterson, D.L.	
Berg	Johnson, D.E.	Laidig	Ramstad	
Bernhagen	Kamrath	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Frank	Luther	Peterson, R.W.	Spear
Berglin	Freeman	Moe, D. M.	Petty	Stumpf
Bertram	Hughes	Moe, R. D.	Pogemiller	Vega
Dahl	Johnson, D.J.	Nelson	Purfeerst	Waldorf
DeCramer	Jude	Novak	Reichgott	Wegscheid
Dicklich	Kroening	Pehler	Samuelson	Willet
Diessner	Langseth	Peterson, C.C.	Schmitz	
Dieterich	Lantry	Peterson, D.C.	Solon	

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



H.F. No. 482 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 43 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Luther	Peterson, R. W.	Spear
Berglin	Hughes	McQuaid	Petty	Taylor
Dahl	Johnson, D. J.	Moe, D. M.	Pogemiller	Ulland
DeCramer	Jude	Moe, R. D.	Purfeerst	Vega
Dicklich	Kroening	Nelson	Ramstad	Waldorf
Diessner	Laidig	Novak	Reichgott	Wegscheid
Dieterich	Langseth	Pehler	Samuelson	Willet
Frank	Lantry	Peterson, C. C.	Schmitz	
Frederickson	Lessard	Peterson, D. C.	Solon	

Those who voted in the negative were:

Anderson	Bernhagen	Johnson, D. E.	Kronebusch	Renneke
Belanger	Bertram	Kamrath	Mehrkins	Stumpf
Benson	Frederick	Knaak	Olson	
Berg	Isackson	Knutson	Peterson, D. L.	

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

## RECONSIDERATION

Mr. Moe, R. D. moved that the vote whereby H. F. No. 91 failed to pass the Senate on April 27, 1983, be now reconsidered. The motion prevailed.

## RECESS

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

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

## CALL OF THE SENATE

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

## SPECIAL ORDER

S.F. No. 72: A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, sections 214.04, subdivision 1; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 0, as follows:

Those who voted in the affirmative were:

Benson	Hughes	Lessard	Peterson, R. W.	Stumpf
Berglin	Johnson, D.E.	Mehrkins	Petty	Taylor
Bertram	Johnson, D.J.	Moe, D. M.	Purfeerst	Ulland
Chmielewski	Knaak	Moe, R. D.	Ramstad	Vega
DeCramer	Kroening	Nelson	Renneke	Waldorf
Dicklich	Kronebusch	Novak	Schmitz	Wegscheid
Dieterich	Langseth	Pehler	Solon	Willet
Freeman	Lantry	Peterson, D.C.	Spear	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 513: A bill for an act relating to elections; changing certain registration procedures; requiring availability of certain public facilities as polling places; changing requirements that voting machines remain locked after elections; amending Minnesota Statutes 1982, sections 201.071, subdivisions 1 and 3; 204B.16, by adding a subdivision; and 206.21, subdivision 3.

Ms. Peterson, D.C. moved that the amendment made to H.F. No. 513 by the Committee on Rules and Administration in the report adopted April 14, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 513 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 830: A bill for an act relating to manufactured homes; clarifying the prohibition of net listing agreements; adding an appeals provision; correcting cross-references; amending Minnesota Statutes 1982, sections 327B.01, subdivisions 11 and 14; 327B.04, subdivision 4; 327B.05, subdivisions 1 and 2, and by adding a subdivision; 327B.07, subdivision 1; and 327B.09, subdivisions 1 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 673: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; permitting time off from work for election judges; amending Minnesota Statutes 1982, sections 204B.19, subdivision 2; and 204B.31; proposing new law coded in Minnesota Statutes, chapter 204B.

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 56 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 592: A bill for an act relating to utilities; providing a penalty for failure to relinquish a coin-operated telephone for an emergency and other telephone-related situations; amending Minnesota Statutes 1982, section 609.78.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 616: A bill for an act relating to the council for the handicapped; providing for appointment of members to the council; decreasing the number of council members; making the council permanent; clarifying the purposes of committees within the council; describing duties; amending Minnesota Statutes 1982, sections 256.481; and 256.482; repealing Minnesota Statutes 1982, section 256.483.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 927: A bill for an act relating to Independent School District No. 709; providing for withdrawal of clerical workers from civil service; amending Laws 1967, chapter 252, section 2, as amended.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 755: A bill for an act relating to agriculture; making changes in the artificial dairy products act; amending Minnesota Statutes 1982, sections 32.53; 32.531; 32.5311; 32.532; 32.533; and proposing new law coded in Minnesota Statutes, chapter 32.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 530: A bill for an act relating to crimes; providing that prosecution or acquittal of a crime in another jurisdiction is not a bar to prosecution in this state when the act or omission constitutes a crime in the other jurisdiction and this state; amending Minnesota Statutes 1982, section 609.045.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 859: A bill for an act relating to the military; redefining categories of service; restricting state liability for workers' compensation claims, tort claims, and special compensation payments; clarifying applicability of state's uniform code of military justice; reenacting the authority of the adjutant general to repair regimental battle flags; amending Minnesota Statutes 1982, sections 3.732, subdivision 1; 176.011, subdivision 9; 190.05, subdivision 5, and by adding subdivisions; 192.38; 192A.015; and 192A.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 190.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 923: A bill for an act relating to libraries; prohibiting the theft or damage of library materials; restricting tort liability for public libraries; prescribing a penalty; amending Minnesota Statutes 1982, section 466.01, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Moe, D. M.	Solon
Anderson	Frank	Kroening	Moe, R. D.	Spear
Belanger	Frederick	Kronebusch	Olson	Taylor
Benson	Frederickson	Laidig	Peterson, D.L.	Ulland
Berg	Freeman	Langseth	Petty	Vega
Berglin	Isackson	Lantry	Pogemiller	Waldorf
Bernhagen	Johnson, D.E.	Lessard	Purfeerst	Wegscheid
Bertram	Johnson, D.J.	Luther	Ramstad	Willet
Chmielewski	Jude	McQuaid	Renneke	
DeCramer	Kamrath	Mehrkens	Schmitz	
Diessner	Knaak	Merriam	Sieloff	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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; amending Minnesota Statutes 1982, section 169.13, subdivision 2.

Mr. Wegscheid moved to amend S.F. No. 782 as follows:

Page 1, line 16, after the comma, insert "*or property*"

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Wegscheid moved that the vote whereby the Wegscheid amendment to S.F. No. 782 was adopted on April 27, 1983, be now reconsidered. The motion prevailed.

Mr. Wegscheid withdrew his amendment.

Mr. Wegscheid then moved to amend S.F. No. 782 as follows:

Page 1, line 15, after "*endanger*" insert "*any property or*"

Amend the title as follows:

Page 1, line 4, after "*endanger*" insert "*property or*"

The motion prevailed. So the amendment was adopted.

S.F. No. 782 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 46 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Lantry	Petty	Taylor
Anderson	Isackson	Lessard	Pogemiller	Ulland
Belanger	Johnson, D.E.	Luther	Purfeerst	Vega
Berglin	Johnson, D.J.	McQuaid	Ramstad	Waldorf
Bernhagen	Jude	Mehrkens	Renneke	Wegscheid
Bertram	Kamrath	Merriam	Samuelson	Willet
Chmielewski	Knutson	Moe, R. D.	Schmitz	
DeCramer	Kroening	Olson	Sieloff	
Frank	Laidig	Peterson, C.C.	Solon	
Frederickson	Langseth	Peterson, D.L.	Spear	

Those who voted in the negative were:

Benson

Berg

Frederick

Knaak

Kronebusch

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

### SPECIAL ORDER

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 260.155, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Olson	Spear
Anderson	Frederick	Kronebusch	Peterson, C.C.	Taylor
Belanger	Frederickson	Laidig	Peterson, D.L.	Ulland
Benson	Freeman	Langseth	Petty	Vega
Berg	Isackson	Lantry	Pogemiller	Waldorf
Berglin	Johnson, D.E.	Lessard	Purfeerst	Wegscheid
Bernhagen	Johnson, D.J.	Luther	Ramstad	Willet
Bertram	Jude	McQuaid	Renneke	
Chmielewski	Kamrath	Mehrkens	Schmitz	
DeCramer	Knaak	Merriam	Sieloff	
Diessner	Knutson	Moe, R. D.	Solon	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 519: A bill for an act relating to taxation; property; clarifying the valuation of agricultural land located in cities; amending Minnesota Statutes 1982, section 273.11, subdivision 7.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1006: A bill for an act relating to intoxicating liquor; authorizing



a city to authorize an on-sale licensee to dispense liquor at events held in facilities of the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 340.11, subdivision 11c.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knaak	Laidig	Moe, D. M.	Peterson, C.C.	Renneke
Kroening				

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 372: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 689: A bill for an act relating to the town of St. Cloud; permitting

its division into urban and rural service districts.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 91: 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.

### CALL OF THE SENATE

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

H.F. No. 91 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 42 and nays 21, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	McQuaid	Peterson, D. C.	Stumpf
Chmielewski	Hughes	Mehrkins	Peterson, R. W.	Taylor
Dahl	Johnson, D. J.	Merriam	Petty	Vega
Davis	Jude	Moe, D. M.	Pogemiller	Waldorf
DeCramer	Knaak	Moe, R. D.	Purfeerst	Wegscheid
Dicklich	Kroening	Nelson	Reichgott	Willett
Diessner	Lantry	Novak	Samuelson	
Dieterich	Lessard	Pehler	Solon	
Frank	Luther	Peterson, C. C.	Spear	

Those who voted in the negative were:

Adkins	Bernhagen	Johnson, D. E.	Olson	Sieloff
Anderson	Bertram	Kamrath	Peterson, D. L.	
Belanger	Frederick	Knutson	Ramstad	
Benson	Frederickson	Kronebusch	Renneke	
Berg	Isackson	Langseth	Schmitz	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 664: A bill for an act relating to the city of St. Cloud; authorizing

the creation of a downtown parking district; providing for its finances.

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 56 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Frederick	Knaak	Merriam	Peterson, R.W.
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1198: A bill for an act relating to state government; providing for deficiencies in appropriations for the expenses of state government with certain conditions; appropriating money.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and

highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

Mrs. Lantry moved to amend H.F. No. 90 as follows:

Page 1, line 15, after "vehicle" insert "*that is*" and before the comma insert "*and was equipped with factory-installed seat belts*"

Page 2, line 4, before the comma, insert "*in a seat of the motor vehicle that was equipped with a factory-installed seat belt*"

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend H.F. No. 90 as follows:

Page 2, line 16, after the period, insert "*Notwithstanding any law to the contrary, a violation of this subdivision does not involve the operation of a motor vehicle that must be reported to the department of public safety.*"

The motion prevailed. So the amendment was adopted.

H.F. No. 90 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 42 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Langseth	Peterson, D.C.	Spear
Berglin	Freeman	Lantry	Peterson, R.W.	Ulland
Dahl	Hughes	Luther	Petty	Vega
Davis	Johnson, D.J.	McQuaid	Pogemiller	Waldorf
DeCramer	Jude	Merriam	Purfeerst	Wegscheid
Dicklich	Knaak	Moe, R. D.	Reichgott	Willet
Diessner	Kroening	Nelson	Samuelson	
Dieterich	Kronebusch	Novak	Sieloff	
Frank	Laidig	Pehler	Solon	

Those who voted in the negative were:

Anderson	Bertram	Kamrath	Peterson, C.C.	Stumpf
Belanger	Chmielewski	Knutson	Peterson, D.L.	Taylor
Benson	Frederickson	Lessard	Ramstad	
Berg	Isackson	Mehrken	Renneke	
Bernhagen	Johnson, D.E.	Olson	Schmitz	

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

### SPECIAL ORDER

H.F. No. 189: A bill for an act relating to energy; requiring certain conservation investments by regulated utilities; amending Minnesota Statutes 1982, sections 116J.09; 116J.18, subdivision 1a; 216A.07, subdivision 3; 216B.03; 216B.16, subdivision 1; and 216B.241, subdivisions 1, 2, and 3.

Mr. Vega moved that the amendment made to H.F. No. 189 by the Committee on Rules and Administration in the report adopted April 13, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Freeman moved to amend H.F. No. 189 as follows:

(The text of the amended House File is identical to S.F. No. 411)

Page 6, line 6, strike everything after "choice"

Page 6, strike line 7

Page 6, line 8, strike the old language and delete the new language

Page 6, line 9, strike everything before the period and insert *" , by consumers participating in the program, of the device, method, or material constituting the energy conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable"*

The motion prevailed. So the amendment was adopted.

H.F. No. 189 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 25 and nays 38, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Kroening	Moe, R. D.	Schmitz
Dahl	Freeman	Lantry	Novak	Solon
Davis	Hughes	Luther	Peterson, D.C.	Spear
DeCramer	Johnson, D.J.	Merriam	Peterson, R.W.	Waldorf
Dicklich	Jude	Moe, D. M.	Pogemiller	Willet

Those who voted in the negative were:

Adkins	Diessner	Knutson	Peterson, C.C.	Sieloff
Anderson	Frank	Kronebusch	Peterson, D.L.	Stumpf
Belanger	Frederick	Laidig	Petty	Taylor
Benson	Frederickson	Langseth	Purfeerst	Uiland
Berg	Isackson	Lessard	Ramstad	Vega
Bernhagen	Johnson, D.E.	McQuaid	Reichgott	Wegscheid
Bertram	Kamrath	Mehrkens	Renneke	
Chmielewski	Knaak	Olson	Samuelson	

So the bill, as amended, failed to pass.

## MOTIONS AND RESOLUTIONS - CONTINUED

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

## MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 280: A bill for an act relating to data privacy; establishing standards and procedures for the release of financial information; proposing new

law coded as Minnesota Statutes, chapter 13A.

Senate File No. 280 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 280, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House 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. 61: A bill for an act relating to crimes; requiring operators of certain vehicles to provide insurance information to peace officers; providing penalties; increasing penalties for failure to stop at the scene of certain accidents; amending Minnesota Statutes 1982, sections 65B.67, by adding a subdivision; and 169.09, subdivisions 1, 3, 6, 7, and 14.

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

Brandl, Vanasek and Bishop.

Senate File No. 61 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

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. 267: A bill for an act relating to taxation; increasing the amount of reduced valuations required to be maintained as public record; allowing the commissioner discretion in apportioning levies; increasing the amount of reduction in valuation requiring an opportunity for hearing; allowing county auditors to combine legal descriptions over section lines; classifying farm rental value data; excluding certain corporations from receiving agricultural property tax valuation; providing for continuation of open space treatment; providing for the assessment of certain class 3 property based upon its use; requiring publication of certain requirements for obtaining a homestead after the assessment date; removing special taxing districts from levy limits; allowing counties to charge for NSF checks; providing for rounding of tax amounts on tax statements; directing the use of the previous years mill rate when distributing delinquent tax proceeds; changing the date for filing list of delinquent personal property taxes; extending application of the alternate sale procedure; increasing the fee for lost deeds; changing the

process for distributing mortgage registration tax proceeds; raising the fee for trip permits; requiring filing of an amended estate tax return in certain situations; clarifying the date interest accrues on estate tax amounts due; providing for department action following the filing of an amended return; requiring state's share of federal credit to not be less than state's share of the estate; providing a definition of surviving spouse for estate tax purposes; requiring filing of final account to commissioner of revenue; changing the requirement for filing a declaration of estimated gross earnings tax; imposing a penalty for failure to pay estimated gross earnings tax; extending the time allowed to claim gasoline or special fuel tax refunds; changing the requirements relating to distribution of free samples of cigarettes; imposing a penalty for failure to pay the tax on wines and spirituous liquors; conforming penalties for nonpayment of tax on beer to penalties imposed on other taxes; delaying implementation of the assessment penalty; requiring payment of current taxes before a plat is recorded; amending Minnesota Statutes 1982, sections 270.10, subdivisions 1 and 3; 270.12, subdivision 3; 270.19; 272.46, subdivision 2; 273.11, subdivision 7; 273.111, subdivision 3; 273.112, subdivision 7, and by adding a subdivision; 273.13, subdivisions 4, and 16; 275.50, subdivision 2; 276.02; 276.04; 276.10; 277.02; 282.01, subdivision 7a; 282.33, subdivision 1; 287.08; 291.005, subdivision 1; 291.03, subdivision 1; 291.07, subdivision 1; 291.09, subdivision 3a; 291.131, subdivision 6; 291.132, subdivision 1; 291.215, subdivision 3; 295.365; 295.366, subdivision 1; 296.17, subdivisions 3 and 17; 297.03, subdivision 10; 340.485, subdivision 1, and by adding subdivisions; 340.492; 477A.04; 505.04; repealing Minnesota Statutes 1982, sections 272.022; 272.023; 272.024; 273.13, subdivision 18; 273.23; 273.24; 273.28; 273.29; 273.30; 273.31; 273.34; 273.44; 273.45; 273.52; 288.01; 288.02; 288.03; 288.04; 288.05; 291.07, subdivision 3; and 473F.04.

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

Scheid, Osthoff and Schreiber.

Senate File No. 267 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

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. 708: A bill for an act relating to the court system; removing obsolete references to justice of the peace and magistrate; amending Minnesota Statutes 1982, sections 72A.12, subdivision 5; 72A.30; 88.645; 97.50, subdivisions 1 and 7; 115.32, subdivision 3; 127.09; 127.17, subdivision 4; 144.12, subdivision 1; 168.46; 169.42, subdivision 5; 169.91; 169.95; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 171.08; 171.16, subdivision 1; 181.09; 181.17; 219.32; 219.97, subdivision 13; 290.58; 297A.42, subdivision 2; 299F.40, subdivision 5; 340.85, subdivision 2; 340.91; 345.02; 345.03; 345.04; 345.05; 345.06; 345.14; 346.03; 346.04; 346.09, subdivision 1; 347.04; 347.05; 347.06;

357.12; 357.16; 357.22; 357.27; 357.29; 358.15; 359.061; 359.11; 361.27, subdivision 2; 365.52; 366.20; 367.11; 367.25, subdivision 1; 368.01, subdivision 20; 373.09; 375.24; 390.15; 390.20; 390.31, subdivision 2; 390.33, subdivisions 2 and 6; 395.23; 412.02, subdivision 1; 412.021, subdivision 2; 412.023, subdivision 5; 412.111; 412.861, subdivision 3; 473.608, subdivision 17; 485.07; 488A.021, subdivision 4; 488A.09, subdivision 7; 488A.19, subdivision 5; 490.18; 509.04; 514.29; 514.34; 542.05; 549.03; 550.17; 571.50; 571.58; 571.65; 574.20; 574.35; 588.01, subdivision 3; 588.02; 593.21; 609.27, subdivision 1; 609.415, subdivision 1; 609.66, subdivision 1; 611.07, subdivision 1; 611.17; 617.27; 624.62; 625.01; 625.02; 625.03; 625.04; 625.05; 625.06; 625.07; 625.08; 625.09; 625.10; 625.11; 625.12; 625.13; 625.14; 625.15; 625.17; 625.18; 626.04; 626.05, subdivision 1; 626.06; 626.09; 626.11; 626.14; 626.15; 626.17; 626.66; 629.03; 629.13; 629.14; 629.15; 629.16; 629.17; 629.18; 629.23, subdivision 3; 629.31; 629.36; 629.363; 629.364; 629.39; 629.401; 629.403; 629.41; 629.44; 629.45; 629.53; 629.54; 629.55; 629.60; 629.62; 630.17; 630.37; 631.04; 636.08; 641.07; 641.25; and 648.39, subdivision 3; repealing Minnesota Statutes 1982, sections 357.14; 357.15; 367.03, subdivision 4; 367.21; 388.02; 412.02, subdivision 5; 412.171; 487.01, subdivision 8; 488A.283; 488A.284; 492.02, subdivision 2; 542.15; 549.16; 599.21; 599.22; 599.23; 609.46; 629.56; 629.66; and 629.71.

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

Clawson, Gustafson and McKasy.

Senate File No. 708 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1983

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 30:

H.F. No. 30: A bill for an act relating to veterans affairs; providing residents of the Minnesota veterans home with a right to complain about home accommodations and services; prohibiting retaliatory eviction of residents who exercise their right to complain; proposing new law coded in Minnesota Statutes, chapter 198.

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

Skoglund, Kostohryz and Burger have been appointed as such committee on the part of the House.

House File No. 30 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1983

Ms. Peterson, D.C. moved that H.F. No. 30 be laid on the table. The motion prevailed.



Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 76.

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.

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

Long; Nelson, D.; Munger; Anderson, R. and Sieben have been appointed as such committee on the part of the House.

House File No. 76 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1983

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 76, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 251.

H.F. No. 251: A bill for an act relating to retirement; police and salaried firefighters relief associations; modifying the governance of the trust funds after the local relief association ceases to exist; updating obsolete language; clarifying ambiguous language; amending Minnesota Statutes 1982, section 423A.01, subdivisions 2 and 4.

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

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

House File No. 251 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1983

Mr. Frederickson moved that the Senate accede to the request of the

House for a Conference Committee on H.F. No. 251, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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

Mr. Dicklich moved that the name of Mr. Merriam be added as a co-author to S.F. No. 60. 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. Kamrath introduced—

S.F. No. 1208: A resolution memorializing the United States Congress to support Beam-Weapon Missile Defense Development.

Referred to the Committee on Veterans and General Legislation.

Mr. Kamrath introduced—

S.F. No. 1209: A bill for an act relating to energy; providing continued funding for the warm room program pilot study; appropriating money.

Referred to the Committee on Energy and Housing.

Messrs. Bertram, Benson, Nelson, Anderson and Frederick introduced—

S.F. No. 1210: A bill for an act relating to taxation; clarifying the term agricultural production for purposes of the sales tax; prohibiting certain retroactive imposition of tax, penalty, and interest; amending Minnesota Statutes 1982, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mrs. McQuaid introduced—

S.F. No. 1211: A bill for an act relating to property taxation; providing for the taxation of certain condominium property; amending Minnesota Statutes 1982, sections 273.11, subdivision 1, and by adding a subdivision; and 515A.1-105.

Referred to the Committee on Taxes and Tax Laws.

Mrs. McQuaid introduced—

S.F. No. 1212: A bill for an act relating to taxation; exempting certain income of elderly persons from taxation; amending Minnesota Statutes 1982, section 290.01, subdivision 20b, as amended.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ramstad and Ulland introduced—

S.F. No. 1213: A bill for an act relating to taxation; providing a maximum income tax rate of 12 percent for individuals, estates, and trusts; amending Minnesota Statutes 1982, section 290.06, subdivisions 2c and 2d.

Referred to the Committee on Taxes and Tax Laws.

### MEMBERS EXCUSED

Mr. Storm was excused from the Session of today. Messrs. Davis and Merriam were excused from the Session of today from 10:00 a.m. to 3:00 p.m. Messrs. Laidig and Ramstad were excused from the Session of today from 10:00 a.m. to 11:00 a.m. Messrs. Berg, Pehler and Solon were excused from the Session of today until 10:30 a.m. Mr. Novak was excused from the Session of today from 11:30 a.m. to 12:00 noon. Mrs. Brataas was excused from the Session of today until 12:30 p.m. and from this evening's Session. Mr. Sieloff was excused from the Session of today from 1:00 p.m. to 3:00 p.m. Mr. Samuelson was excused from this evening's Session from 7:30 p.m. to 8:45 p.m. Messrs. Dahl, Frank, Jude, Laidig, Luther, Merriam, Pehler, Peterson, R.W., Mrs. Adkins and Ms. Olson were excused from this evening's Session from 7:30 p.m. to 8:00 p.m. Messrs. Dahl, Davis, Dicklich, Dieterich, Diessner, Hughes, Pehler, Ms. Peterson, D.C., Mr. Peterson, R.W., Ms. Reichgott and Mr. Stumpf were excused from this evening's Session from 8:30 p.m. to 9:00 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 28, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate