

FORTY-THIRD DAY

St. Paul, Minnesota, Friday, April 29, 1983

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Nelson 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. Winfield V. Johnson.

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 29, 1983

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 47 and 402.

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 246, 323, 673 and 1067.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

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. 92: A bill for an act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

Senate File No. 92 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

Mr. Bertram moved that the Senate do not concur in the amendments by the House to S.F. No. 92, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; amending Minnesota Statutes 1982, section 1.143; proposing new law coded in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 1982, sections 1.144 and 358.02.

Senate File No. 808 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

CONCURRENCE AND REPASSAGE

Mrs. Kronebusch moved that the Senate concur in the amendments by the House to S.F. No. 808 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 808: A bill for an act relating to the state seal; providing a description of the official state seal; amending Minnesota Statutes 1982, section 1.143; proposing new law coded in Minnesota Statutes, chapters 1 and 5; repealing Minnesota Statutes 1982, sections 1.144 and 358.02.

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

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

The roll was called, and there were yeas 44 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Nelson	Schmitz
Anderson	Dicklich	Kroening	Novak	Solon
Belanger	Diessner	Kronebusch	Olson	Storm
Benson	Frank	Langseth	Peterson, D.L.	Stumpf
Berg	Hughes	Lantry	Petty	Taylor
Bernhagen	Isackson	Lessard	Purfeerst	Ulland
Bertram	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Chmielewski	Jude	Moe, D. M.	Renneke	Wegscheid
Davis	Kamrath	Moe, R. D.	Samuelson	

Those who voted in the negative were:

Berglin	Knaak	Pehler	Pogemiller	Spear
Dahl	Luther	Peterson, D.C.	Reichgott	Willet
Dieterich				

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has 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. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

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

Munger; Nelson, D. and Carlson, D.

Senate File No. 238 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 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 five members of the House, on the amendments adopted by the House to the following Senate File:

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.

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

Quinn, Kelly, Dempsey, Welle and Waltman.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 28, 1983

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 375, 519, 537, 582, 794, 606, 657 and 672.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 28, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 375: A bill for an act relating to public welfare; authorizing the establishment of community work experience programs on a pilot demonstration basis; proposing new law coded in Minnesota Statutes, chapter 256.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 572, now on Special Orders.

H.F. No. 519: A bill for an act relating to public welfare; abolishing funding priorities for a certain grant program related to facilities for adult mentally ill persons; amending Minnesota Statutes 1982, section 245.73, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 958, now on Special Orders.

H.F. No. 537: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act; amending Minnesota Statutes 1982, section 179.63, subdivision 7.

Referred to the Committee on Finance.

H.F. No. 582: A bill for an act relating to corrections; clarifying the powers of the commissioner of corrections; limiting certain inmate functions; authorizing the use of necessary force to prevent escape; providing for the costs of transporting juvenile delinquents committed to the commissioner of corrections; providing for supervision of gross misdemeanor probations; removing archaic language; amending Minnesota Statutes 1982, sections 241.01, subdivision 3a; 241.23; 242.31, subdivisions 1 and 3; 243.17, subdivision 1; 243.52; 243.58; 243.62; 609.135, subdivision 1; and 624.714, subdivision 13.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 713, now on Special Orders.

H.F. No. 794: A bill for an act relating to the legislature; enacting the

present legislative apportionment into statutory form with minor alterations; amending Minnesota Statutes 1982, sections 2.021; 2.031; proposing new law coded in Minnesota Statutes, chapter 2; and repealing Minnesota Statutes 1982, sections 2.041 to 2.712.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 919, now on Special Orders.

H.F. No. 606: 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; authorizing the commissioner to accept admissions to regional centers from the Indian Health Service; amending Minnesota Statutes 1982, sections 253B.02, subdivisions 5, 13, 17, and 18; 253B.03, subdivision 2; 253B.04, subdivision 1; 253B.05, subdivision 2, and by adding a subdivision; 253B.06; 253B.07, subdivisions 1, 3, and 4; 253B.12, subdivisions 1, 3, 4, and by adding a subdivision; 253B.13, subdivision 1; 253B.15, subdivisions 5, 6, and 7; 253B.18, subdivisions 2, 3, 5, and 13; 253B.19, subdivision 5; 253B.22, subdivision 1; 253B.23, by adding a subdivision; and Laws 1982, chapter 581, section 26; proposing new law coded in Minnesota Statutes, chapter 253B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 732, now on Special Orders.

H.F. No. 657: A bill for an act relating to transportation; authorizing the commissioner to expend money for railroad acquisition by a regional railroad authority; modifying requirements for compliance with standards for zoning ordinances for municipal airports; modifying the regional railroad authority act to allow municipalities to form regional railroad authorities; allowing the expenditure of certain state funds for railroad improvement and acquisition; providing an aircraft base price for taxation purposes; amending Minnesota Statutes 1982, sections 222.50, subdivision 7; 360.063, subdivisions 3, 4, and 6; 360.065, subdivision 2; 360.066, subdivision 1; 360.067, subdivision 1; 360.531, subdivision 4; 398A.02; 398A.03; 398A.04, subdivisions 8 and 9; 398A.07, subdivision 2; and Laws 1980, chapter 610, section 1, as amended.

Referred to the Committee on Finance.

H.F. No. 672: A bill for an act relating to taxation; sales and use; clarifying the taxability or exempt status of certain items or transactions; providing penalties for certain operators or misuse of exemption certificates; clarifying filing dates and penalties for not timely filing or paying the tax; authorizing the filing of security and the use of sampling; providing restrictions on refunds; clarifying payments required before appeal; eliminating the fee for permits; amending Minnesota Statutes 1982, sections 297A.01, subdivisions 3 and 4; 297A.25, subdivision 1; 297A.27, subdivision 1;

297A.275; 297A.28; 297A.31, subdivision 1; 297A.35, subdivision 1, and by adding a subdivision; 297A.391; and 297B.03; proposing new law coded in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1982, sections 297A.05 and 297A.251.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 726, now on Special Orders.

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. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1189: A bill for an act relating to employment; exempting search firms from employment agency licensing; amending Minnesota Statutes 1982, section 184.22, subdivision 2.

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

Page 1, line 9, after "184.21" insert "to 184.28 and 184.32"

Page 1, line 10, strike "shall" and insert "do"

Page 1, line 13, strike "provided"

Page 1, line 14, strike "that" and insert "if"

Page 1, line 24, strike "and"

Page 2, line 5, strike "and"

Page 2, lines 5 and 8, strike "shall" and insert "does"

Page 2, line 15, strike "shall" and insert "must"

Page 2, line 16, strike "may"

Page 2, line 16, strike "require" and insert "requires"

Page 2, line 21, strike "is"

Page 2, line 22, strike "authorized to" and insert "may"

Page 2, line 29, after "and" insert "be"

Page 2, line 30, strike "In the event" and insert "If"

Page 2, line 32, strike "in the event" and insert "if"

Page 3, after line 1, insert:

"Sec. 2. Minnesota Statutes 1982, section 184.22, is amended by adding a subdivision to read:

Subd. 3. [REGISTRATION.] Any firm established as an exempt firm under subdivision 2 shall file, within ten days of its establishment, a sworn statement with the commissioner indicating whether or not it will conduct its

business in a manner consistent with the provisions of subdivision 2 and other information the commissioner by rule requires. All exempt firms are subject to the provisions of section 184.29 and the bond provisions of section 184.30. For newly established firms, these fees and bonds must accompany the initial statement filed with the commissioner and all subsequent annual filings.

Sec. 3. Minnesota Statutes 1982, section 184.22, is amended by adding a subdivision to read:

Subd. 4. [CONTINUED EXEMPTION.] A search firm exempted under subdivision 2 prior to the effective date of this act is not subject to the provisions of section 184.29 or 184.30.

Sec. 4. Minnesota Statutes 1982, section 184.29, is amended to read:

184.29 [FEES.]

Before a license ~~shall be~~ is granted to an applicant ~~such~~, the applicant shall pay the following fee:

(a) An employment agent shall pay an annual license fee of \$200 for each license.

(b) *A search firm exempt under section 184.22, subdivision 2, shall pay an annual registration fee of \$200, accompanying the annual statement to the commissioner.*

~~Applicants~~ (c) An applicant for a counselor's license shall pay a license fee of \$10 and a renewal fee of \$5.

~~Applicants~~ (d) An applicant for an employment agency manager's license shall pay a license fee of \$10 and a renewal fee of \$5.

Sec. 5. Minnesota Statutes 1982, section 184.30, subdivision 1, is amended to read:

Subdivision 1. Every application for an employment agency's license ~~shall~~, and every annual report required to be filed under section 184.22, subdivision 2, must be accompanied by a surety bond approved by the department in the ~~penal sum~~ amount of \$10,000 for each location, ~~with one or more sureties or a duly authorized surety company to be approved by the department and~~. The bond must be filed in the office of the secretary of state, and conditioned that the employment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as ~~such an~~ employment agency will ~~conform to and not violate any of the terms or requirements comply with the provisions of sections 184.21 to 184.40 or violate the covenants of and any contract made by such the~~ employment agent in the conduct of ~~said the~~ business. ~~Action on this bond may be brought by and prosecuted in the name of any A person damaged by any a breach or of any condition thereof of the bond may bring an action on the bond, and successive actions may be maintained thereon on it.~~

Sec. 6. Minnesota Statutes 1982, section 184.41, is amended to read:

184.41 [VIOLATIONS.]

Any person who ~~shall engage~~ engages in the business of or ~~act~~ acts as an employment agent or counselor without first procuring a license as required

by section 184.22, ~~and~~ any employment agent, manager, or counselor who ~~shall violate~~ violates the provisions of this chapter, ~~shall be and any exempt firm which violates any of the provisions of section 184.22, subdivision 2, is~~ guilty of a misdemeanor.

In addition to the penalties for commission of a misdemeanor, the department may ~~proceed by~~ bring an action for an injunction against any person who ~~shall engage~~ engages in the business of or ~~aet~~ acts as an employment agent or counselor without first procuring the license required under section 184.22 and against any employment agent, manager, or counselor who ~~shall violate~~ violates the provisions of this chapter. If an agency, a manager, or a counselor is found guilty of a misdemeanor in any action relevant to the operation of an agency, the department may suspend or revoke the license of the agency, manager, or counselor."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "subjecting certain search firms to fee and bond requirements; requiring certain statements, fees, and bonds to be submitted at the time a search firm is established;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 4, after "2" insert ", and by adding subdivisions; 184.29; 184.30, subdivision 1; and 184.41"

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

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

S.F. No. 79: A bill for an act relating to horse racing; defining certain terms; establishing a racing commission and providing for its membership, powers, and duties; authorizing the licensing of persons to operate race-tracks, conduct horse racing, and engage in certain occupations; prescribing license fees; authorizing the assigning of racing days; establishing a division of pari-mutuel betting in the department of public safety and providing for the powers and duties of the commissioner; authorizing pari-mutuel betting on horse racing and prescribing taxes thereon; providing for the regulation of horse racing and establishing fines; establishing a breeders fund; prohibiting certain acts relating to horse racing and establishing penalties; providing for the recommendation of legislation establishing treatment programs for compulsive gamblers; amending miscellaneous statutes to include pari-mutuel related provisions; providing a withholding tax on certain pari-mutuel winnings and on occupation license holders; clarifying what is not a lottery; defining sports bookmaking and making it a felony; providing for the forfeiture of certain gambling devices, prizes, and proceeds; appropriating money; amending Minnesota Statutes 1982, sections 10A.09, subdivisions 1 and 5; 38.04; 290.09, subdivisions 5 and 29; 290.17, subdivision 2; 290.92, by adding subdivisions; 609.75, subdivisions 1 and 3, and by adding a subdivision; 609.76; 609.761; proposing new law coded as Minnesota Statutes, chapter 299J; proposing new law coded in Minnesota Statutes, chapter 609.

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

as follows:

- Page 3, line 26, delete “, nor” and insert “or”
- Page 3, line 27, delete the comma
- Page 4, line 18, delete “to” and insert “must”
- Page 4, line 21, delete “keep” and insert “inform”
- 1 Page 4, line 22, delete “informed”
- Page 4, line 23, delete “thereto” and insert “in it”
- Page 4, line 29, delete “, the”
- Page 4, line 30, delete “Administrative Procedure Act”
- Page 5, line 19, delete “all such” and insert “the”
- Page 6, line 11, delete “has the following powers and duties” and insert “may”
- Page 6, lines 12, 16, 19, and 22, delete “to”
- Page 6, line 14, delete the first “to”
- Page 6, line 22, delete the comma
- Page 6, line 23, delete “the Administrative Procedure Act,”
- Page 7, line 6, delete “having obtained” and insert “obtaining”
- Page 7, line 11, delete “or” and insert “and”
- Page 8, line 31, delete everything after “rule”
- Page 8, line 32, delete everything before the semicolon and insert “relating to horse racing, pari-mutuel betting, or any other form of gambling”
- Page 8, line 35, delete “and”
- Page 9, line 1, after “actions” insert “relating to the subject matter of the application or acts or omissions arising from it”
- Page 9, line 5, delete everything after the period
- Page 9, delete lines 6 to 8
- Page 9, line 9, delete everything before “If”
- Page 9, line 12, delete “to” and insert “must”
- Page 9, line 14, delete “secretary of state” and insert “commission; and (f) an affirmative action plan establishing goals and timetables consistent with the Minnesota Human Rights Act, chapter 363”
- Page 11, line 6, delete “sections 14.57 to 14.70 of”
- Page 11, line 7, delete “the Administrative Procedure Act” and insert “chapter 14”
- Page 12, line 17, delete “and”
- Page 12, line 19, after “actions” insert “relating to the subject matter of the application or acts or omissions arising from it”

Page 12, line 23, delete everything after the period

Page 12, delete lines 24 to 26

Page 12, line 27, delete everything before "If"

Page 12, line 30, delete "to" and insert "must"

Page 12, line 32, delete "*secretary of state*" and insert "*commission; and (f) an affirmative action plan establishing goals and timetables consistent with the Minnesota Human Rights Act, chapter 363*"

Page 13, line 31, delete "*sections*"

Page 13, line 32, delete everything before "and" and insert "*chapter 14*"

Page 14, line 11, after the semicolon, insert "and"

Page 14, line 29, delete everything after "rule"

Page 14, line 30, delete everything before the semicolon and insert "*relating to horse racing, pari-mutuel betting, or any other form of gambling*"

Page 14, line 36, after "*actions*" insert "*relating to the subject matter of the application or acts or omissions arising from it*"

Page 15, line 3, delete everything after the period

Page 15, delete lines 4 to 6

Page 15, line 7, delete everything before "If"

Page 15, line 11, delete the first "to" and insert "must"

Page 15, line 12, delete "*secretary of state*" and insert "*commission*"

Page 16, line 9, delete everything after "under"

Page 16, line 10, delete "Act" and insert "*chapter 14*"

Page 19, line 5, delete "*has the following powers and duties*" and insert "*may*"

Page 19, lines 6, 11, 12, 14, 17, 19, 27, 30, 34, and 36, delete "to"

Page 19, line 7, delete "*the Administrative Procedure Act,*"

Page 19, line 21, delete the first "to"

Page 19, line 26, delete "*His duties are*" and insert "*He shall*"

Page 20, lines 4 and 34, delete "*His duties are*" and insert "*He shall*"

Page 20, lines 5, 7, 8, 13, and 35, delete "to"

Page 20, line 10, delete the second "to"

Page 20, line 27, delete "*such an*" and insert "*the*"

Page 21, lines 2 and 4, delete "to"

Page 22, line 28, delete "*has the*"

Page 22, line 29, delete "*authority to*" and insert "*may*"

Page 22, line 33, delete "*the Administrative Procedure*"

Page 22, line 34, delete "Act" and insert "chapter 14"

Page 26, line 33, after the period, insert "*As a condition of approval, the commissioner shall require that the contract include an affirmative action plan establishing goals and timetables consistent with the Minnesota Human Rights Act, chapter 363.*"

Page 28, line 24, delete "such"

Page 28, line 25, delete "as he considers"

Page 29, lines 2, 4, and 5, delete "so"

Page 29, line 20, delete ", the Administrative"

Page 29, line 21, delete "Procedure Act"

Page 29, line 31, after "of" insert "civil"

Page 30, line 4, delete everything after "under"

Page 30, line 5, delete "Administrative Procedure Act" and insert "chapter 14"

Page 30, line 8, delete "has the authority" and insert "may"

Page 30, line 9, delete "to"

Page 31, line 1, delete ", the Administrative Procedure Act,"

Page 31, line 4, delete everything after "15"

Page 31, line 5, delete everything before the period and insert ", 1984"

Page 31, line 9, delete ", the Administrative"

Page 31, line 10, delete "Procedure Act"

Page 31, line 24, delete "with" and insert "to"

Page 32, line 3, delete "provided that" and insert a period

Page 32, line 22, delete everything after "with"

Page 32, delete lines 23 and 24 and insert "*a person involved in the conduct of a race to commit an illegal act or to fail to perform a duty.*"

Page 34, line 31, delete "normal"

Page 35, line 11, after "1." insert "[TIME FOR FILING.]"

Page 35, line 31, after "5." insert "[FORM.]"

Page 36, line 31, strike "; this" and insert ". The"

Page 37, lines 26, 31, and 34, strike "such" and insert "the"

Page 38, line 5, strike "such" and insert "the"

Page 39, lines 18 and 21, strike "Such" and insert "The"

Page 39, line 27, strike "regulations" and insert "rules"

Page 39, line 34, strike "said" and insert "the"

Page 40, lines 3, 6, and 17, strike "such" and insert "the"

Page 40, line 8, strike "regulations" and insert "rules"

Page 41, lines 16 and 21, strike "such" and insert "the"

Page 43, lines 27, 29, 31, 34, and 35, strike "such" and insert "the"

Page 43, lines 28 and 36, strike "such" in both places and insert "the" in both places

Page 44, lines 6, 9, 20, 21, and 32, strike "such" and insert "the"

Page 46, line 2, strike "so"

Page 46, line 23, after "26." insert "[PARI-MUTUEL WINNINGS.]"

Page 47, line 12, after "27." insert "[PARI-MUTUEL PURSES.]"

Page 49, line 15, delete "2" and insert "1"

Page 49, lines 30, 32, 34, and 36, strike "or"

Page 50, line 21, delete "chapter ..." and insert "articles 1 to 5"

Page 50, line 30, delete "and"

Page 50, line 33, before the period, insert "; and

(d) Property used or intended to be used to illegally influence the outcome of a horse race"

Page 52, after line 13, insert:

"Sec. 17. [STUDY OF RACE HORSE TESTING.]

On or before January 1, 1984, the commissioner of public safety shall report to the legislature on the establishment of guidelines for testing race horses for the purposes of detecting medication."

Page 52, line 14, delete "17" and insert "18"

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

S.F. No. 1152: A bill for an act relating to marriage dissolution; clarifying factors to be considered in modifying a child support order; amending Minnesota Statutes 1982, section 518.64, subdivision 2.

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

Page 1, line 16, delete the new language

Page 2, after line 8, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

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

S.F. No. 483: A bill for an act relating to crimes; establishing degrees of

burglary; prescribing penalties; providing mandatory terms of incarceration; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Page 1, line 13, delete "*dwelling or other*"

Page 1, line 14, delete "*affording*" and insert "*human*" and delete "*for human beings or*" and insert "*including any*"

Page 1, line 15, delete "*to*" and delete "*with a*" and delete "*so adapted*"

Page 1, line 17, delete "*by a person*"

Page 2, lines 6, 17, 27, and 33, delete "*of the lawful possessor*" and insert "*and*"

Page 2, lines 7 and 18, delete "*there*"

Page 2, line 21, delete "*or*"

Page 2, line 25, delete the period and insert ";

(c) *the portion of the building entered contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored, and the entry is forcible; or*

(d) *when entering or while in the building, the burglar possesses a tool to gain access to money or property."*

Page 3, delete sections 3 and 4 and insert:

"Sec. 3. [609.583] [FIRST BURGLARY OF A DWELLING.]

If a person is convicted of burglary of a dwelling under section 2, subdivision 1, clause (a), or subdivision 2, clause (a), and is not committed by the court to the commissioner of corrections for a term of imprisonment of more than one year, the court shall stay execution of sentence, notwithstanding the provisions of section 609.135, and shall require the defendant as a condition of probation to serve not less than 90 days incarceration in a county jail, county regional jail, county workfarm, county workhouse, or other regional or local correctional facility. The court may allow the defendant the work release privileges of section 631.425 during the period of incarceration. The period of incarceration may be waived by the court in conjunction with the defendant providing restitution to the victim or performing community work service or a combination of restitution and community work service.

Sec. 4. [609.584] [SECOND BURGLARY OF A DWELLING.]

If a person is convicted of burglary of a dwelling under section 2, subdivision 1, clause (a), or subdivision 2, clause (a), within ten years after a first conviction of burglary of a dwelling and is not committed by the court to the commissioner of corrections for a term of imprisonment of more than one year, the court shall stay execution of sentence, notwithstanding the provisions of section 609.135, and shall require the defendant as a condition of probation to serve not less than 180 days incarceration in a county jail, county regional jail, county workfarm, county workhouse, or other regional or local correctional facility. The court may allow the defendant the work

release privileges of section 631.425 during the period of incarceration. The period of incarceration may be waived by the court in conjunction with the defendant providing restitution to the victim or performing community work service or a combination of restitution and community work service."

Amend the title as follows:

Page 1, line 4, after "incarceration" insert "in certain instances"

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

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

S.F. No. 1151: A bill for an act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

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

Page 1, line 16, strike "the" and insert "*any other*" and strike "hereinbefore"

Page 1, line 18, strike "such a return" and insert "*it*" and strike "shall be" and insert "*is*"

Page 1, line 19, strike "wilfully" and insert "*willfully*"

Page 1, line 23, reinstate "as to any material matter" and strike "shall be" and insert "*is*"

Page 1, lines 24 and 26, delete "*wilfully*" and insert "*willfully*"

Page 1, line 25, delete "*shall be*" and insert "*is*"

Page 2, line 1, delete "*shall be*" and insert "*is*"

Page 2, line 1, before "*felony*" insert "*gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a*"

Page 2, line 5, strike "and six months"

Page 2, line 8, strike "such" and insert "*an*"

Page 2, line 14, delete "*wilfully*" and insert "*willfully*"

Page 2, line 21, delete "*shall be*" and insert "*is*"

Page 2, line 22, before "*felony*" insert "*gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a*"

Page 2, line 29, strike "thereof" and insert "*of it*"

Page 2, line 30, strike the second "the" and insert "*its*"

Page 2, line 31, strike "thereof" and strike "thereto" and insert "*to it*"

Page 2, line 32, strike "so" and strike "Such" and insert "*The*"

Page 2, line 33, strike "said" and insert "the" in both places

Page 2, line 34, strike "said" and insert "the"

Page 2, line 36, strike "such" and insert "the"

Page 3, lines 3, 5, 17, 30, 33, 35, and 36, strike "such" and insert "the"

Page 3, lines 21 and 24, strike "so"

Page 3, lines 29, 30 and 31, strike "wilfully" and insert "willfully"

Page 3, lines 29 and 31, strike "such a" and insert "the"

Page 3, line 32, strike "any such" and insert "the"

Page 3, line 33, strike "thereof" and insert "of it"

Page 3, lines 35 and 36, strike the parentheses and insert commas

Page 4, lines 11 and 16, strike "such" and insert "the"

Page 4, lines 11, 14, and 15, strike the parentheses and insert commas

Page 4, lines 12 and 15, strike "wilfully" and insert "willfully"

Page 4, line 18, strike "regulations" and insert "rules"

Page 4, lines 19 and 28, strike "such a" and insert "the"

Page 4, line 29, strike "such a" and insert "the" in both places

Page 4, line 20, strike "such"

Page 4, line 21, strike "shall become" and insert "is"

Page 4, line 23, after "6" insert ", paragraph"

Page 4, line 24, strike "the" and insert "any other" and strike "herein-before"

Page 4, line 28, strike "wilfully" and insert "willfully"

Page 4, lines 30 and 31, delete the new language

Page 4, line 31, strike "shall be" and insert "or attempts to evade or defeat the tax is"

Page 4, line 32, delete "\$150" and insert "\$300"

Page 4, line 33, delete "shall be" and insert "is"

Page 5, lines 2, 4, and 10, strike "wilfully" and insert "willfully"

Page 5, line 4, strike "such"

Page 5, line 7, strike "regulations" and insert "rules"

Page 5, lines 7, 14, 29, 31, and 36, strike "shall be" and insert "is"

Page 5, line 11, delete "wilfully" and insert "willfully"

Page 5, line 18, strike "such" and insert "an"

Page 6, line 1, strike "shall be" and insert "is"

Page 6, line 3, after "6" insert ", paragraph"

Page 6, line 4, delete "wilfully" and insert "willfully"

Page 6, lines 11 and 12, delete "*shall be*" and insert "*is*"

Page 6, line 12, delete "\$150" and insert "\$300"

Page 6, line 18, delete "*and six months*"

Page 7, lines 11 and 14, delete "\$150" and insert "\$300"

Page 7, line 19, delete "*and six months*"

Page 7, line 25, strike "shall"

Page 7, line 26, strike "be" and insert "*is*"

Page 7, line 30, delete "*shall be*" and insert "*is*"

Page 7, line 33, after "4." insert "[PENALTIES; FAILURE TO FILE OR PAY.]" and strike "the" and insert "*any other*" and strike "hereinbefore"

Page 7, line 34, strike "wilfully" and insert "willfully"

Page 7, line 35, strike "wilfully" in both places and insert "willfully" in both places

Page 8, lines 2 and 3, delete the new language

Page 8, line 3, strike "shall be" and insert "*or attempts in any manner to evade or defeat the taxes imposed by this chapter is*"

Page 8, lines 5 and 25, delete "\$150" and insert "\$300"

Page 8, lines 5 and 35, strike "shall be" and insert "*is*"

Page 8, line 8, strike "such" and insert "*an*"

Page 8, line 13, delete "*and six months*"

Page 8, line 17, after "8." insert "[PENALTY; FALSE CLAIM.]" and delete "willfully" and insert "willfully"

Page 8, lines 24 and 25, delete "*shall be*" and insert "*is*"

Page 8, line 33, strike "shall" and delete "*prepare,*" and strike "complete or submit" and insert "*prepares, completes or submits*"

Page 9, line 4, delete "\$150" and insert "\$300" and delete "*shall be*" and insert "*is*"

Page 9, line 5, delete "*chapter*" and insert "*section*"

Page 9, line 13, delete "*and six months*"

Page 9, line 14, strike "shall violate" and insert "*violates*"

Page 9, line 15, strike "shall"

Page 9, line 16, strike "be" and insert "*is*"

Page 9, line 19, strike "such fine and imprisonment"

Page 9, delete lines 21 to 25 and insert:

"This act is effective the day after final enactment and applies to offenses committed on or after that date."

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. 218: A bill for an act relating to crimes; expanding the rights of victims of crime; affirming the right of victims to bring civil actions against offenders; establishing the right of a victim to request restitution; providing for implementation of victim and witness rights by law; providing penal sanctions and judicial mechanisms to deter intimidation of witnesses; requiring development of a plan for notifying crime victims about available financial assistance and social services; providing for victim participation in the criminal process; providing penalties; amending Minnesota Statutes 1982, sections 241.26, subdivisions 5 and 6; 243.23, subdivision 3; 571.55, by adding a subdivision; 609.115, subdivision 1; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

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

Delete everything after the enacting clause and insert:

“ARTICLE I

RIGHTS OF VICTIMS OF CRIMES

“Section 1. [611A.01] [DEFINITIONS.]

For the purposes of sections 1 to 5:

(a) “Crime” means conduct that is included within the definition of “crime” in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (ii) the act was alleged or found to have been committed by a juvenile; and

(b) “Victim” means a person who incurs loss or harm as a result of a crime. If the victim has died as a result of a crime, “victim” includes the deceased’s surviving spouse or next of kin.

Sec. 2. [611A.02] [VICTIM SERVICE NOTIFICATION.]

The executive director of the crime victims reparations board shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but need not be limited to, information about available victim crisis centers, programs for victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

The plan shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs.

This plan shall be presented to the appropriate standing committees of the legislature no later than February 1, 1984.

Sec. 3. [611A.03] [VICTIM’S RIGHT TO RECEIVE INFORMATION.]

Upon request, the probation officer shall provide the victim with informa-

tion about the court's options for sentencing and other dispositions.

Sec. 4. [611A.04] [VICTIM'S RIGHT TO REQUEST RESTITUTION.]

Subdivision 1. [REQUEST; DECISION.] A victim has the right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender.

The court shall grant or deny restitution, and shall state on the record its reasons for its decision on restitution if a request for restitution has been made.

Subd. 2. [PROCEDURES.] The offender shall make restitution payments to the clerk of the county, municipal, or district court of the county in which the restitution is to be paid. The court shall retain jurisdiction to modify the restitution order.

Subd. 3. [EFFECT OF ORDER FOR RESTITUTION.] A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 299B.10 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

Sec. 5. [611A.05] [RIGHT TO NOTICE OF RELEASE.]

The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, other than for work release, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority complies with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided to him in writing.

ARTICLE 2

Section 1. Minnesota Statutes 1982, section 241.26, subdivision 5, is amended to read:

Subd. 5. [EARNINGS; WORK RELEASE ACCOUNT.] The net earnings of each inmate participating in a work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury and, to be credited to the "work release account", which account is hereby established, to the account of such the inmate. Such The moneys shall be and remain under the control of the commissioner for the sole benefit of such the inmate, subject to disbursement by the commissioner for the following purpose purposes and in the following order:

(1) The cost of such the inmate's keep as determined by the provision of subdivision 7, which moneys shall be deposited in the general fund of the state treasury if such the inmate is housed in a state correctional institution, or shall be paid to the appropriate city or county treasurer if such the inmate is housed in a city or county facility;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) *Court-ordered restitution*;

(5) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

~~(5)~~ (6) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" ~~established by this subdivision~~ are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 2. Minnesota Statutes 1982, section 243.23, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, *for the payment of court-ordered restitution*, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 3. Minnesota Statutes 1982, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor, *or gross misdemeanor, or felony*, the court may, *and when the defendant has been convicted of a felony, the court shall*, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused ~~thereby~~ *by it* to others and to the community. If the court ~~so~~ directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. ~~If a presentence investigation is ordered by the court,~~ The worksheet shall be submitted as part of the presentence investigation report. ~~If a presentence investigation is not ordered by the court, the worksheet shall nonetheless be submitted.~~

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the con-

sent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, ~~Minnesota Statutes, Section~~ *section 244.10, upon its effective date*, and *Rule 27* of the rules of criminal procedure.

Sec. 4. Minnesota Statutes 1982, section 609.115, is amended by adding a subdivision to read:

Subd. 1b. [ADDITIONAL CONTENTS.] The presentence investigation report shall also include the following information relating to victims:

(a) A summary of the damages or harm and any other problems generated by the criminal occurrence;

(b) A concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of his opinion; and

(c) An attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition if the victim provides the officer conducting the presentence investigation with this written material within a reasonable time prior to the disposition.

Sec. 5. Minnesota Statutes 1982, section 609.115, is amended by adding a subdivision to read:

Subd. 1c. [NOTICE TO VICTIM.] The officer conducting the presentence or predispositional report shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the following information: (i) the charge or juvenile court petition to which the defendant has been convicted or pleaded guilty, or the juvenile respondent has admitted in court or has been found to have committed by the juvenile court, and of any plea agreement between the prosecution and the defense counsel; (ii) his right to request restitution pursuant to article 1, section 4; (iii) his right to be present at the sentencing or juvenile court disposition; and (iv) his right to object in writing to the court, prior to the time of sentencing or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. To assist the victim in making a recommendation under clause (iv), the officer shall provide the victim with information about the court's options for sentencing and other dispositions. Failure of the officer to comply with this subdivision does not give any rights or grounds for post conviction or post juvenile disposition relief to the defendant or juvenile court respondent, nor does it entitle a defendant or a juvenile court respondent to withdraw a plea of guilty.

Sec. 6. Minnesota Statutes 1982, section 609.498, is amended to read:

609.498 [TAMPERING WITH A WITNESS.]

Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] *Whoever does any of the following is guilty of tampering with a witness in the first degree and may be sentenced as provided in subdivision 1a:*

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law, ~~is guilty of tampering with a witness in the first degree and may be sentenced;~~

(b) intentionally threatens to cause injury to person, family, or property in retaliation against a person who was summoned as a witness at any trial, proceeding, or inquiry authorized by law, within a year following that trial, proceeding, or inquiry;

(c) intentionally prevents or dissuades or attempts to prevent or dissuade, by means of force or threats of injury to person, family, or property, a person from providing information to law enforcement authorities concerning a crime; or

(d) intentionally threatens to cause injury to person, family, or property in retaliation against a person who has provided information to law enforcement authorities concerning a crime within a year of that person providing the information.

Subd. 1a. [PENALTY.] Whoever violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine not to exceed \$5,000.

Subd. 2. [TAMPERING WITH A WITNESS IN THE SECOND DEGREE.] Whoever does any of the following is guilty of tampering with a witness in the second degree and may be sentenced as provided in subdivision 3:

(a) intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, ~~clauses clause~~ (3), (4), or (5), a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law, ~~is guilty of tampering with a witness in the second degree and;~~ or

(b) intentionally prevents or dissuades or attempts to prevent or dissuade by means of any act described in section 609.27, subdivision 1, clause (3), (4), or (5), a person from providing information to law enforcement authorities concerning a crime.

Subd. 3. [SENTENCE.] Whoever violates subdivision 2 may be sentenced to imprisonment for not more than one year or to payment of a fine not to exceed \$1,000.

Sec. 7. Minnesota Statutes 1982, section 631.425, subdivision 5, is amended to read:

Subd. 5. [EARNINGS.] The earnings of the prisoner may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From ~~such~~ the earnings, the person or agency designated to collect them may pay the cost of the prisoner's maintenance, both inside and outside the jail, but the charge for maintenance inside the jail shall not exceed the legal daily allowance for board allowed the sheriff for ordinary prisoners, and, to the extent directed by the court, pay the support of his dependents, if any, ~~and~~ court costs and fines, ~~and court-ordered restitution~~, if any. Any balance shall be retained until his

discharge when it shall be paid to him.

Sec. 8. [EFFECTIVE DATE.]

Articles 1 and 2 of this act are effective August 1, 1983, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete everything before "establishing"

Page 1, line 13, delete "subdivisions" and insert "subdivision" and delete "and 6"

Page 1, line 14, delete everything after the first semicolon

Page 1, line 15, after "1" insert ", and by adding subdivisions"

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

S.F. No. 789: A bill for an act relating to communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal; proposing new law coded in Minnesota Statutes, chapter 238.

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 238.02, subdivision 1, is amended to read:

Subdivision 1. The words and phrases used in ~~sections 238.04 to 238.17~~ *this chapter* have the following meanings unless a different meaning clearly appears in the text.

Sec. 2. [238.135] [LINES CROSSING OVERHEIGHT MOVING ROUTES.]

After July 1, 1983, any cable communications company needing to construct, extend, or replace cable communications transmission lines which cross a street or highway designated by the state or by the applicable city or county as an overheight moving corridor route shall locate the new or replacement transmission lines either underground or at a height not less than 24 feet above the surface of the roadway.

Sec. 3. [238.22] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The terms used in sections 3 to 21 have the meanings given them in this section.*

Subd. 2. [DWELLING UNIT.] *"Dwelling unit" means a single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and san-*

itation.

Subd. 3. [MANUFACTURED HOME PARK.] "Manufactured home park" means a site, lot, field, or tract of land upon which two or more occupied manufactured homes are located.

Subd. 4. [MOBILE HOME PARK.] "Mobile home park" means a manufactured home park.

Subd. 5. [MULTIPLE DWELLING COMPLEX.] "Multiple dwelling complex" means a site, lot, field, or tract of land or water, other than a manufactured home park, or mobile home park, containing more than one occupied dwelling unit. A condominium or condominium complex is not a multiple dwelling unit.

Subd. 6. [PROPERTY OWNER.] "Property owner" means a landlord, organization, or other person controlling access to a manufactured home park, a mobile home park, or a multiple dwelling complex.

Subd. 7. [RESIDENT.] "Resident" means a person or entity paying rent to a property owner.

Sec. 4. [238.23] [ACCESS REQUIRED.]

A property owner shall provide access by a franchised cable communications company to the property owner's manufactured home park, mobile home park, or multiple dwelling complex. The access provided must be perpetual and freely transferable by one cable communications company to another. A cable communications company granted access, and its successors in interest, must fully comply with sections 3 to 21. Access must include entrance onto the premises of the property owner and an easement for purposes of surveying, designing, installing, inspecting, maintaining, operating, repairing, replacing, or removing equipment used in the construction and operation of a cable communications system.

Sec. 5. [238.24] [CONDITIONS FOR ACCESS.]

Subdivision 1. [IN GENERAL.] An installation of cable communications facilities under sections 3 to 21 must conform to reasonable conditions necessary to protect the safety, functioning, and aesthetic appearance of the premises, and the convenience and well-being of the property owner and residents or association members.

Subd. 2. [OWNER APPROVAL.] A property owner may require from a cable communications company before installation or modification of cable communications facilities, diagrams showing plans for the placement and securing of the facilities. A property owner may approve or disapprove installation plans. Approval of plans may not be unreasonably withheld.

Subd. 3. [INSTALLATION; BOND.] The facilities must be installed in an expeditious and workmanlike manner, must comply with applicable codes, and, when economical and feasible, must be installed parallel to utilities. A property owner may require a cable communications company to post a bond or equivalent security in an amount not exceeding the estimated cost of installation of the cable communications facilities on the premises. Any bond filed by a cable communications company with a municipality which would provide coverage to the property owner as provided under this subdivision

shall be considered to fulfill the requirements of this subdivision.

Subd. 4. [INDEMNIFY FOR DAMAGE.] *A cable communications company shall indemnify a property owner for damage caused by the installation, operation, maintenance, or removal of the facilities.*

Subd. 5. [RELOCATION.] *A property owner may require a cable communications company, after reasonable written notice, to promptly relocate cable communications facilities on or within the premises of the property owner for the purpose of rehabilitation, redecoration, or necessary maintenance of the premises by the property owner.*

Subd. 6. [MASTER ANTENNA TELEVISION SYSTEM.] *Nothing in sections 3 to 21 precludes a property owner from entering into an agreement for use of a master antenna television system by a cable communications company.*

Subd. 7. [NOT RETROACTIVE.] *Nothing in sections 3 to 21 affects the validity of an agreement effective before the effective date of this act between a property owner, a cable communications company, or any other person providing telecommunications services on or within the premises of the property owner.*

Subd. 8. [COST ALLOCATED.] *A cable communications company shall bear the entire cost of the installation, operation, maintenance, and removal of a cable communications facility within the initial franchise service area.*

Subd. 9. [COMPENSATION FOR ACCESS.] *(a) In exchange for obtaining access to a property owner's premises and within 30 days after installation of a cable communications system, a cable communications company shall:*

(1) compensate the property owner for the difference in fair market value of the premises resulting directly from the installation of the cable communications facilities; and

(2) reimburse the property owner in an amount not more than \$100 for premises containing less than ten dwelling units, and \$200 for other premises, for actual costs incurred by the property owner with respect to the professional review of the plans and drawings regarding installation or modification of the cable communications system, associated contractual materials, and other documentation.

(b) With respect to paragraph (a), clause (1), payment by the cable communications company of a one-time charge of \$1 for each dwelling unit on the owner's premises is presumed to compensate the property owner for the taking of the easement resulting from the installation of the cable communications facilities. The property owner may appeal any presumptive one-time award of \$1 for each dwelling unit or any other compensation paid to a property owner under paragraph (a), clause (1). The appeal procedure is as provided under sections 6 to 20.

(c) Because access provided under sections 3 to 21 only allows a cable communications system to provide its service to residents or association members and does not preclude a property owner from providing any alternative communication service, proof of a difference in fair market value for purposes of compensating a property owner under paragraph (a), clause (1),

may not include any alleged loss of an exclusive right to provide communication services.

Subd. 10. [ADDITION OF DWELLING UNITS.] If, at any time after installation of a cable communications system, a property owner constructs or places additional dwelling units on the owner's premises, the cable communications company, within 30 days after completion of the construction or placement, shall pay the property owner a one-time charge not exceeding \$1 for each additional dwelling unit.

Subd. 11. [CHANNEL CAPACITY.] (a) A property owner must provide access by a franchised cable communications company, as required under section 4, only if that cable company installs equipment with channel capacity sufficient to provide access to other providers of television programming or telecommunications services so that residents or association members have a choice of alternative providers of those services. If the equipment is installed, the cable communications company shall allow alternative providers to use the equipment. If some of the residents or association members choose to subscribe to the services of an alternative provider, the cable company that installed the equipment shall be reimbursed by the other providers for the cost of equipment and installation on the property on a pro rata basis which reflects the number of subscribers of each provider on that property to the total number of subscribers on that property. In determining the pro rata amount of reimbursement by any alternative provider, the cost of equipment and installation shall be reduced to the extent of cumulative depreciation of that equipment at the time the alternative provider begins providing service.

(b) If equipment is already installed as of the effective date of this section with channel capacity sufficient to allow access to alternative providers, the access and pro rata reimbursement provisions of paragraph (a) apply.

(c) The board shall promulgate rules to implement the provisions of this section.

Sec. 6. [238.25] [PROCEDURE; DISPUTED COMPENSATION.]

Subdivision 1. [INITIATION; PETITION.] If a property owner grants access to a cable communications company, as required under section 4, but disputes the sufficiency of the compensation tendered by the company under section 5, subdivisions 9 or 10, the property owner may petition the board to resolve the dispute. The petition must be filed by the property owner within 45 days after the date of mailing of the tendered compensation by the cable communications company.

Subd. 2. [NOTICE.] Notice of the petition must be served upon the cable communications company in the same manner as a summons in a civil action.

Sec. 7. [238.26] [PROCEDURE; ACCESS REFUSED.]

Subdivision 1. [INITIATION.] If a property owner refuses to provide access to a cable communications company, as required under section 4, the company may request in writing any municipality in which it has a franchise to initiate proceedings under the provisions of sections 7 to 20 to obtain access. Upon receipt of such a request, the municipality shall initiate proceedings as provided under sections 7 to 20. The cable communications

company shall represent the municipality in the petition process and in any appeal therefrom and shall pay all costs and fees including compensation to the property owner and appraisal fees incurred by the municipality in obtaining access.

Subd. 2. [PETITION.] To obtain access to a property owner's property, the cable communications company must file a petition with the board describing the land to which access is desired, stating by whom and for what purposes access is desired, giving the names of all property owners, and requesting the initiation of a contested case proceeding and the appointment of a hearing examiner to appraise the damages which may be occasioned by the access.

Subd. 3. [NOTICE.] (a) Notice of the objects of the petition must be served upon all persons named in the petition as property owners in the same manner as a summons in a civil action.

(b) Service may be made upon a property owner by three weeks' published notice if:

(1) the property owner is not a resident of the state; or

(2) the property owner's place of residence is unknown to the petitioner and the petitioner, his agent, or attorney files an affidavit stating that he believes that the property owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of residence cannot be ascertained by the affiant.

(c) If the state is a property owner, the notice must be served upon the attorney general.

(d) Any property owner not served as provided under this subdivision is not bound by the proceeding unless the owner voluntarily appears as a party to the proceeding.

Sec. 8. [238.27] [INSTALLATION PLANS FURNISHED.]

After receiving notice of a petition for obtaining access, as provided under section 7, and upon request, any property owner must be furnished installation plans as provided in section 5, subdivision 2.

Sec. 9. [238.28] [ENTRY FOR SURVEYS.]

For the purpose of making surveys and examinations to accomplish all necessary preliminary purposes or for other purposes relative to any proceedings to obtain access under sections 7 to 20, the petitioner or designated representatives may lawfully enter upon any parcel of land upon where access is sought, doing no unnecessary damage and being liable only for actual damage done. Any property owner preventing entrance for the purposes of this section is guilty of a misdemeanor.

Sec. 10. [238.29] [NOTICE OF PENDENCY.]

At the time of filing a petition under section 7, the petitioner/cable communications company may file for record with the county recorder a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected. If the proceeding is abandoned in whole or in part, the petitioner shall within ten days after the date of abandonment file for record with

the county recorder a notice to that effect, describing with reasonable certainty the lands abandoned.

Sec. 11. [238.30] [BOARD TO COMMENCE CONTESTED CASE PROCEEDINGS.]

Upon proof being filed with the board of service of the notice of petition, as provided under section 6 or 7, the board shall request in writing the office of administrative hearings to designate a hearing examiner to perform the duties established under section 12, and shall take all necessary steps to commence a contested case proceeding as provided under chapter 14.

Sec. 12. [238.31] [HEARING EXAMINER, POWERS, DUTIES.]

Upon receipt of the written request of the board, as provided under section 11, the office of administrative hearings shall appoint a hearing examiner to determine the difference in fair market value of the premises, as required by section 5, subdivision 9. In making this determination, the hearing examiner shall consider the amount of benefits, if any, and the damages, if any, resulting directly from the installation of the cable communications facilities. If the hearing examiner finds a diminution of fair market value, the hearing examiner shall recommend that the amount of diminution be awarded as damages. The hearing examiner shall conduct hearings, regulate the admission of proof, make recommendations to the board, and take all other actions in conformance with the requirements of chapter 14.

Sec. 13. [238.32] [FINAL ORDER.]

Upon receiving the recommendations of the hearing examiner, the board shall make its decision as provided under the requirements of chapter 14.

Sec. 14. [238.33] [REPORT; NOTICE.]

In the case of a petition filed under section 6, the board shall notify the petitioner/property owner and the respondent/cable communications company of its final decision or order.

In the case of a petition filed under section 7, the board shall notify the petitioner/cable communications company of its final decision or order. Within ten days after the date petitioner receives the notification, the petitioner shall notify each respondent/property owner and any attorney of record by mail of the final decision or order, setting forth the date of the final decision or order, the amount of the damages fund, if any, and all the terms and conditions pertaining to that respondent. The notification must be addressed to the last known post office address of each respondent and any attorney of record.

Sec. 15. [238.34] [PAYMENTS; DEPOSIT WITH BOARD.]

The cable communications company shall pay to the property owner as provided under the board's final decision or order any award of damages pursuant to a petition filed under section 6 or 7; except that, where the residence of a party/property owner is unknown, or the party/property owner is an infant or other person under legal disability, or being legally capable, refuses to accept payment, or if for any reason it is doubtful to whom any payment should be paid, the cable communications company may make the payment to the board, to be paid out under the direction of the board. Unless

an appeal is taken, as provided under section 18, the deposit with the board is considered a payment of the amount specified in the final decision or order. The payment when deposited may not draw interest from the date of deposit.

Sec. 16. [238.35] [POSSESSION.]

Subdivision 1. [BEFORE FINAL ORDER.] Whenever the petitioner/cable communications company requires access to all or part of the property owner's property prior to the filing of the final decision or order of the board pursuant to a petition filed under section 7, the petitioner shall, at least 45 days prior to the date on which access is required, notify the property owner of the intent to exercise the right of access by notice served by certified mail. Before exercising the right of access, the petitioner shall pay to the property owner, or deposit with the board, an amount equal to petitioner's appraisal of damages. If it is necessary to deposit the above amount with the board, the petitioner may apply to the board for an order granting the petitioner access to the property or properties described in the petition.

Subd. 2. [AFTER FINAL ORDER.] (a) The petitioner/cable communications company has the right of access after the filing of the final decision or order by the board:

(1) upon payment of the amount specified in the final decision or order if the appeal is waived by the parties; or

(2) upon payment or deposit with the board of three-fourths of the amount specified in the final decision or order if the appeal is not waived by the parties.

(b) Any amount deposited under paragraph (a), clause (2), must be deposited by the board in an interest bearing account no later than the business day next following the day on which the amount was deposited with the board. All interest credited to the amount deposited from the date of deposit must be paid to the ultimate recipient of the amount deposited.

Sec. 17. [238.36] [DISMISSAL.]

In the case of a petition filed under section 7, the petitioner/cable communications company may at any time dismiss the proceeding against any parcel of land by notifying the property owners and the board. When the proceeding is dismissed the property owner may recover from the petitioner reasonable costs and expenses and temporary damages, if any.

Sec. 18. [238.37] [APPEAL.]

An appeal of the final decision or order of the board may be taken in accordance with the provisions of chapter 14, except that in addition to the requirements of chapter 14, notice must be served upon all property owners.

Sec. 19. [238.38] [FINAL CERTIFICATE.]

Upon completion of the proceedings, the attorney for the cable communications company shall make a certificate describing the easement taken and the purpose or purposes for which taken, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the board if no appeal is taken or with the clerk of court if an appeal has been taken. A certified copy of the certificate must be filed for record

with the county recorder. The record is notice to all parties of the easement of the petitioner on the lands therein described.

Sec. 20. [238.39] [NO RELOCATION BENEFITS.]

Neither sections 117.50 to 117.56 nor the uniform relocation assistance and real property acquisition policies act of 1970 shall be construed as applying to any persons affected by the proceedings under sections 6 to 20.

Sec. 21. [238.40] [PROHIBITIONS.]

Subdivision 1. [INTERFERENCE WITH FACILITIES.] A property owner may not interfere with the installation, operation, inspection, maintenance, or removal of cable communications facilities.

Subd. 2. [DISCRIMINATION.] A property owner may not discriminate in rental charges or in granting of property rights, or otherwise, between residents or association members who receive cable communications service and those who do not.

Subd. 3. [AGREEMENTS INTERFERING WITH RIGHTS TO ANTENNA EQUIPMENT.] A cable communications company may not enter into an agreement with a property owner to do or permit an act that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of a resident or an association member to use or obtain master or individual antenna equipment."

Delete the title and insert:

"A bill for an act relating to cable communications; defining terms; requiring access by cable communications companies; imposing conditions of access; limiting certain actions of property owners; allowing appeal and specifying the process for appeal and for access to property pending decision on appeal; specifying certain prohibitions; amending Minnesota Statutes 1982, section 238.02, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 238."

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

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

S.F. No. 1097: A bill for an act relating to agriculture; making certain changes in the grain buyers act; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 7, 8, and by adding a subdivision; 223.17; 223.18; and 223.19; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223.

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 223.16, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] For the purpose of sections 223.15 to

223.19 and section 13 the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 2a. [CASH SALE.] "Cash sale" means a sale for which cash or a check is received by the seller before the close of business the day after the sale and transfer of possession of the grain; or a sale of a shipment of grain which is part of a multi-shipment sale for which a scale ticket clearly marked "CASH" has been received by the seller prior to the completion of the entire sale and for which cash or a check is received by the seller not later than ten days after the sale of that shipment or 48 hours after the completion of the entire sale.

Sec. 3. Minnesota Statutes, section 223.16, subdivision 7, is amended to read:

Subd. 7. [ITINERANT INDEPENDENT GRAIN BUYER.] "Itinerant Independent grain buyer" means a person who travels from place to place is licensed to purchase grain for resale using a truck, semitrailer or trailer owned or operated by that person but who does not have a private or public grain warehouse license.

Sec. 4. Minnesota Statutes 1982, section 223.16, subdivision 8, is amended to read:

Subd. 8. [NONWAREHOUSE GRAIN BUYER.] "Nonwarehouse grain buyer" means a person without a private or public grain warehouse license who is licensed to engage in the business of purchasing grain for resale, excluding an itinerant independent grain buyer. A nonwarehouse grain buyer need not use his own vehicles to transport the purchased grain.

Sec. 5. Minnesota Statutes 1982, section 223.16, subdivision 11, is amended to read:

Subd. 11. [PRODUCER.] "Producer" means a person who owns or manages a grain producing or growing operation and holds or shares the responsibility for marketing the grain produced grows grain on land that he owns or leases.

Sec. 6. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 12a. [SCALE TICKET.] "Scale ticket" means a memorandum issued by a grain elevator or warehouse operator to a depositor at the time grain is delivered, showing the weight and kind of grain.

Sec. 7. Minnesota Statutes 1982, section 223.16, is amended by adding a subdivision to read:

Subd. 16. [VOLUNTARY EXTENSION OF CREDIT CONTRACT.] "Voluntary extension of credit contract" means a contract for the purchase of a specific amount of grain in which the title to the grain passes to the grain buyer upon delivery, but the price is to be determined or payment for the grain is to be made at a date later than the date of delivery of the grain to the grain buyer. Voluntary extension of credit contracts include deferred or delayed payment contracts, unpriced sales, no price established contracts,

average pricing contracts, and all other contractual arrangements with the exception of cash sales and grain storage agreements evidenced by a grain warehouse receipt.

Sec. 8. Minnesota Statutes 1982, section 223.17, is amended to read:

223.17 [LICENSES; BONDING; CLAIMS; DISBURSEMENTS.]

Subdivision 1. [LICENSES.] An application for a grain buyer's license must be filed with the commissioner and the license issued before any grain may be purchased. *The fee for any license is \$150.* The types of grain buyers' licenses are:

- (a) private grain warehouse operator's license;
- (b) public grain warehouse operator's license;
- (c) nonwarehouse grain buyer's license; and
- (d) ~~itinerant~~ independent grain buyer's license.

~~Public grain warehouse operators' licenses cover both grain buying and grain storage.~~ The applicant for a grain buyer's license shall identify all grain buying locations owned or controlled by the grain buyer and all vehicles owned or controlled by the grain buyer used to transport purchased grain. *Every applicant for a grain buyer's license shall have a permanent established place of business at each licensed location. An "established place of business" means any permanent enclosed building either owned by the applicant or leased by the applicant for a period of at least one year, and where the books, records, and files necessary to conduct the business are kept and maintained.*

Subd. 2. [LICENSE RENEWAL.] A license must be renewed annually. If a person receives more than one license from the commissioner, the licenses shall be issued at the same time, but only after all conditions for each license are met. Multiple licenses should be combined into one license if possible.

Subd. 3. [GRAIN BUYERS AND STORAGE FUND; FEES.] The commissioner shall set the fees for inspections ~~and licenses~~ under sections 223.15 to 223.19 at levels necessary to pay the expenses of administering and enforcing sections 223.15 to 223.19 *and section 13. These fees may be adjusted pursuant to the provisions of section 16A.128.*

There is created in the state treasury the grain buyers and storage fund. Money collected pursuant to sections 223.15 to 223.19 shall be paid into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 223.15 to 223.19 *and section 13.*

Subd. 4. [BOND.] Before a grain buyer's license is issued, the applicant for a ~~grain buyers~~ the license ~~shall~~ must file with the commissioner a bond in a penal sum prescribed by the commissioner but not ~~more~~ less than the following amounts:

- (a) \$10,000 for each ~~private or public grain warehouse up to a maximum of five grain warehouses;~~
- (b) \$10,000 for each semitrailer used by an itinerant grain buyer up to a maximum of five semitrailers;

(c) \$5,000 for each truck used by an itinerant grain buyer up to a maximum of five trucks;

(d) \$5,000 for each trailer used by an itinerant grain buyer up to a maximum of five trailers; and

(e) \$50,000 for each nonwarehouse grain buyer \$10,000 for grain buyers whose gross annual purchases are \$100,000 or less;

(b) \$20,000 for grain buyers whose gross annual purchases are more than \$100,000 but not more than \$750,000;

(c) \$30,000 for grain buyers whose gross annual purchases are more than \$750,000 but not more than \$1,500,000;

(d) \$40,000 for grain buyers whose gross annual purchases are more than \$1,500,000 but not more than \$3,000,000; and

(e) \$50,000 for grain buyers whose gross annual purchases exceed \$3,000,000. A grain buyer who has filed a bond with the commissioner prior to July 1, 1983, is not required to increase the amount of the bond to comply with this section until July 1, 1984. The amount of the bond shall be based on the most recent financial statement of the grain buyer filed under subdivision 6.

A first-time applicant for a grain buyer's license after July 1, 1983, shall file a \$20,000 bond with the commissioner. This bond shall remain in effect for the first year of his license. Thereafter, the licensee shall comply with the applicable bonding requirements contained in clauses (a) to (e) of this section.

In lieu of the bond required by this subdivision the applicant may deposit with the state treasurer cash, a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit as defined in section 336.5-103, in the same amount as would be required for a bond.

Subd. 5. ~~[VOLUNTARY EXTENSION OF CREDIT CASH SALES; MANNER OF PAYMENT.]~~ Upon demand by a seller of grain, a grain buyer shall pay 90 percent of the estimated or actual value of grain purchased at the time the physical possession of the grain is conveyed from the seller to the grain buyer. For a cash sale of a shipment of grain which is part of a multi-shipment sale, the grain buyer shall tender payment to the seller not later than ten days after the sale of that shipment or 48 hours after completion of the entire sale. For other cash sales the grain buyer, before the close of business the day after the sale and transfer of possession of grain, shall tender payment to the seller or his duly authorized representative, or shall wire or mail transfer funds to the seller's account amounting to at least 80 percent of the grain's value at the time of delivery. The grain buyer shall complete final settlement as rapidly as possible through ordinary diligence. Any transaction wherein this demand is not exercised which is not a cash sale in compliance with the provisions of this subdivision constitutes a voluntary extension of credit and which is not afforded protection under the grain buyer's bond, and which must comply with sections 9 and 10.

Subd. 5a. [GRAIN PURCHASES FROM UNLICENSED PRODUCERS.]

No grain buyer may refuse to purchase grain from a producer solely because the producer is not bonded or is not licensed by the commissioner; provided, that any producer who buys grain from other producers shall be licensed and bonded as required by this chapter.

Subd. 6. [CONFIDENTIAL STATEMENTS REQUIRED FINANCIAL STATEMENTS.] For the purpose of fixing or changing the amount of a required bond or for any other proper reason, the commissioner shall require an annual financial ~~statements~~ statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

(a) *The financial statement shall include, but not be limited to the following: (1) a balance sheet; (2) a statement of income (profit and loss); (3) a statement of retained earnings; (4) a statement of changes in financial position; and (5) a statement of the dollar amount of grain purchased in the previous fiscal year of the grain buyer.*

(b) *The financial statement shall be accompanied by a compilation report of the financial statement which is prepared by a grain commission firm or a management firm approved by the commissioner or by an independent public accountant, in accordance with standards established by the American Institute of Certified Public Accountants.*

(c) *The financial statement shall be accompanied by a certification by the chief executive officer or his designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.*

Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. All financial statements filed with the commissioner are private or nonpublic data as provided in section 13.02.

Subd. 6a. [SUSPENSION, REVOCATION, OR REFUSAL TO ISSUE LICENSE.] (a) *If ~~the~~ a license applicant or a licensee fails to furnish financial statements or to furnish any new bond required, the commissioner may immediately refuse to issue or renew the license or may suspend the license and the licensee shall surrender the license to the commissioner. Within 15 days the*

(b) *The commissioner may refuse to issue or renew a license or may suspend a license if he determines, based upon the financial statement filed under this section or other financial information obtained by him, that the applicant or licensee is not financially able to properly perform the services and operate the business for which the license is issued.*

(c) *When a license is suspended the licensee shall surrender the license to the commissioner. An applicant or licensee may request an administrative hearing subject to chapter 14 within 15 days after the commissioner suspends a license or refuses to issue or renew a license under clause (b) to determine whether the license should be issued, renewed, or revoked. If no request is made within 15 days after suspension, the commissioner shall revoke the license. All financial statements submitted to the commissioner are confidential.*

Subd. 7. [PRODUCER BOND AND CONTRACT CLAIMS.] A producer

claiming to be damaged by a breach of the conditions of a bond of a contract for the purchase of grain by a licensed grain buyer may file a written claim with the commissioner. The claim must state the facts constituting the claim. The claim must be filed with the commissioner within 180 days of the breach of the conditions of the bond contract. If the commissioner believes that a claim is valid, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.

Subd. 8. [BOND DISBURSEMENT.] (a) The bond *required under subdivision 4* shall provide for payment of loss caused by the grain buyer's failure to pay, upon the owner's demand, the purchase price of grain sold to the grain buyer *in the manner provided by section 223.17, subdivision 5, including loss caused by failure to pay within the time required.* The bond shall be conditioned upon the grain buyer being duly licensed as provided herein. ~~The bond shall not cover any transaction which constitutes a voluntary extension of credit.~~

(b) ~~Upon notification of default,~~ The commissioner shall *promptly* determine the validity of all claims *filed with him* and notify ~~all parties having filed claims~~ *the claimants of the determination.* An aggrieved party may appeal the commissioner's determination by requesting, within 15 days, that the commissioner initiate a contested case proceeding. In the absence of such a request, or following the issuance of a final order in a contested case, the surety company shall issue payment *promptly* to those claimants entitled to payment. ~~When the commissioner determines it necessary,~~ The commissioner may apply to the district court for an order appointing a trustee or receiver to manage and supervise the operations of the grain buyer in default. The commissioner may participate in any resulting court proceeding as an interested party.

(c) If a grain buyer has become liable to more than one producer by reason of breaches of the conditions of the bond and the amount of the bond is insufficient to pay the entire liability to all producers entitled to the protection of the bond, the proceeds of the bond shall be apportioned among the bona fide claimants.

(d) The bond shall not be cumulative from one licensing period to the next. The maximum liability of the bond shall be its face value for the licensing period.

Subd. 9. [DEFAULTS; VIOLATIONS.] *If the commissioner finds, after an investigation is conducted, that a complaint is valid or that a licensee is in violation of the provisions of this chapter, the commissioner may immediately suspend the license, in which case the licensee shall surrender the license to the commissioner. Within 15 days, the licensee may request an administrative hearing subject to chapter 14 to determine whether the license should be revoked. If no request is made within 15 days, the commissioner shall revoke the license.*

Sec. 9. [223.175] [VOLUNTARY EXTENSION OF CREDIT CONTRACTS; FORM.]

Grain buyers using voluntary extension of credit contracts must include in the contracts those items prescribed by the commissioner by rule. The contract shall include a statement of the legal and financial responsibilities of grain buyers and sellers established in this chapter. The contract shall also include the following statement in not less than ten point capital type, framed in a box with space provided for the seller's signature: "THIS CONTRACT CONSTITUTES A VOLUNTARY EXTENSION OF CREDIT. THIS CONTRACT IS NOT COVERED BY ANY GRAIN BUYER'S BOND." The seller shall sign the contract in the space provided beneath the statement.

Sec. 10. [223.177] [PURCHASE BY VOLUNTARY EXTENSION OF CREDIT CONTRACTS.]

Subdivision 1. [INDICATION OF INTENTION.] Every grain buyer who intends to purchase grain by voluntary extension of credit contracts shall indicate his intention to do so annually to the commissioner on a form provided by the commissioner.

Subd. 2. [ORAL CONTRACTS.] Any grain buyer entering into a voluntary extension of credit contract orally or by phone shall give or mail to the seller a written confirmation conforming to the requirements of section 9 before the close of the next business day.

Subd. 3. [EXECUTION OF CONTRACTS.] A voluntary extension of credit contract shall be executed before the close of the next business day after the contract is entered into or, in the case of an oral or phone contract, after the written confirmation is received by the seller. Provided, however, that if a scale ticket has been received by the seller prior to the completion of the grain shipment, the contract must be executed within ten days after the sale.

Subd. 4. [GRAIN, RIGHTS, OR PROCEEDS HELD.] A licensed grain buyer purchasing grain by voluntary extension of credit contracts shall at all times maintain grain, rights in grain, or proceeds from the sale of grain totaling 90 percent of the grain buyer's obligations for grain purchased by voluntary extension of credit contracts. That amount must be evidenced or represented by one or more of the following:

(a) grain owned and actually held by the grain buyer in a grain warehouse owned or controlled by the grain buyer;

(b) rights in grain evidenced or represented by warehouse receipts issued by a state or federally licensed grain warehouse;

(c) cash on hand or cash held on account in federally or state licensed institutions;

(d) short-term investments held in time accounts with federally or state licensed institutions;

(e) balances on grain margin accounts;

(f) voluntary extension of credit contracts for grain shipped to a processor or terminal as purchaser, less any payment or advance that has been received; or

(g) an irrevocable letter of credit, as defined in section 336.5-103, or other evidence of proceeds from the sale of grain acceptable to the commissioner.

Subd. 5. [VALUE OF GRAIN.] For the purpose of computing the dollar value of inventories of voluntary extension of credit obligations, the value of grain is determined by the current market price on the day of delivery.

Subd. 6. [TRANSFER OF TITLE.] The title to grain delivered on a voluntary extension of credit contract transfers to the grain buyer on the day of delivery.

Subd. 7. [STORAGE CHARGES PROHIBITED.] No storage charges may be charged with respect to grain purchased on voluntary extension of credit contracts.

Subd. 8. [RECORDS.] A grain buyer shall keep sufficiently detailed books and records of voluntary extension of credit contracts and evidences of grain, rights in grain, and the proceeds from the sale of grain so as to clearly show compliance with this section. The commissioner or his authorized agent may inspect these books and records at such time and place and as he may deem necessary to determine whether grain buyers are complying with the provisions of this chapter.

Sec. 11. Minnesota Statutes 1982, section 223.18, is amended to read:

223.18 [PENALTY.]

A person buying grain without first obtaining a grain buyer's license is guilty of a misdemeanor. Each day of operation without a grain buyer's license constitutes a separate offense. *In case of license revocation, no new license shall be granted to the person whose license was revoked nor to anyone either directly or indirectly engaged with him in the licensed business for two years. A grain dealer who withholds records from the commissioner, keeps or files records which he knows to be false, alters records fraudulently, or presents to the commissioner any records which he knows to be false is guilty of a gross misdemeanor.*

Sec. 12. Minnesota Statutes 1982, section 223.19, is amended to read:

223.19 [RULES.]

The commissioner may ~~promulgate~~ *adopt temporary or permanent rules pursuant to chapter 14 to carry out the provisions of sections 223.15 to 223.19 and section 13.*

Sec. 13. [223.20] [ATTORNEY GENERAL; ENFORCEMENT.]

The attorney general, upon request of the commissioner, shall assist the commissioner in enforcing this chapter.

Sec. 14. Minnesota Statutes 1982, section 336.9-401, is amended to read:

336.9-401 [PLACE OF FILING; ERRONEOUS FILING; REMOVAL OF COLLATERAL.]

(1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is ~~equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, or motor vehicles which are not inventory~~, then in the office of the county recorder in the county of

the debtor's residence if the debtor is an individual who is a resident of this state but if the debtor is an individual who is not a resident of this state or is a corporation, partnership or other organization then in the office of the secretary of state; ~~and in addition when the collateral is crops growing or to be grown in the office of the county recorder in the county where the land is located;~~

(b) When the collateral is equipment to be used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or crops growing or to be grown, then in the office of the county recorder in the county of the debtor's residence if the debtor is an individual or organization with residence in this state, but if the debtor is not a resident of this state, then in the office of the secretary of state;

(c) When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, then in the office where a mortgage on the real estate would be filed or recorded;

(e) (d) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence in this state or the use of the collateral, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 336.9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. Such a filing shall not be deemed a separate filing from the filings required by other laws, if applicable, set forth in subsection (3) of section 336.9-302. This filing constitutes a fixture filing (section 336.9-313) as to the collateral described therein which is or is to become fixtures.

(6) For the purposes of this section, the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) "Motor vehicle" means any device propelled or drawn by any power other than muscular power in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting building and road construction equipment.

Sec. 15. Laws 1982, chapter 635, section 9, is amended to read:

Sec. 9. [REPEALER.]

Minnesota Statutes 1980, sections 223.04; 223.07; 223.08; 223.09; 223.10; 223.11; 232.01; 232.02, subdivisions 4, 5, 6, 7, 8 and 9; 232.03; 232.04; and 232.06, subdivision 5; Minnesota Statutes 1981 Supplement, sections 223.01; 223.02; 223.03; 223.05; and 232.02, subdivisions 1, 2 and 3, are repealed. Sections 1 to 6 are repealed July 1, 1983. Any claims under sections 1 to 6 which are not settled before July 1, 1983, may be settled under the provisions of section 4, subdivisions 7 and 8, as they existed prior to July 1, 1983.

Sec. 16. [STATUTES REMAIN IN EFFECT.]

Notwithstanding Minnesota Statutes, section 645.36, Minnesota Statutes, sections 223.15 to 223.19 remain in effect without interruption.

Sec. 17. [EFFECTIVE DATE.]

This act is effective July 1, 1983."

Delete the title and insert:

"A bill for an act relating to agriculture; making certain changes in the grain buyers act; changing the place of filing of farm product liens; imposing a penalty; amending Minnesota Statutes 1982, sections 223.16, subdivisions 1, 7, 8, 11, and by adding subdivisions; 223.17; 223.18; 223.19; and 336.9-401; Laws 1982, chapter 635, section 9; proposing new law coded in Minnesota Statutes, chapter 223."

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

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

H.F. No. 270 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
270	84				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 904 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
904	904				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 904 be amended as follows:

Page 1, after line 24, insert:

“Sec. 2. [PUBLIC UTILITIES COMMISSION.]

Prior to the effective date of Laws 1980, chapter 534, as amended by Laws 1981, chapter 357, section 108, the public utilities commission shall perform the duties of the board under section 1.”

And when so amended H.F. No. 904 will be identical to S.F. No. 904, and further recommends that H.F. No. 904 be given its second reading and substituted for S.F. No. 904, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1101 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1101	922				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 380 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
380	373				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 380 be amended as follows:

Page 1, delete lines 10 to 25

Page 2, delete lines 1 to 12 and insert

“~~A~~ Any person, except persons who are reasonably expecting to receive compensation or who are acting within the course of their employment or within the scope of their duties as part of a police, fire, rescue, sheriff, or life support transportation service provider, who in good faith ~~and in the exercise of reasonable care~~ renders emergency care at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by

that person in rendering the emergency care *unless that person acts in a willful and wanton or reckless manner in providing the care.*"

Page 2, delete lines 18 to 20

And when so amended H.F. No. 380 will be identical to S.F. No. 373, and further recommends that H.F. No. 380 be given its second reading and substituted for S.F. No. 373, and that the Senate File be indefinitely postponed.

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

Mr. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for January 31, 1983:

**DEPARTMENT OF ECONOMIC SECURITY
COMMISSIONER**

Barbara Beerhalter

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. 1189, 1152, 483, 1151 and 789 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 218, 270, 904, 1101 and 380 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 1204. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1214. The motion prevailed.

Mr. Moe, D.M. moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1215. The motion prevailed.

Mr. Petty moved that S.F. No. 50 be taken from the table. The motion prevailed.

S.F. No. 50: A bill for an act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

Mr. Petty moved that the Senate do not concur in the amendments by the House to S.F. No. 50; and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

SPECIAL ORDER

H.F. No. 259: A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 598: A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 769: A bill for an act relating to property exempt from attachment, garnishment, or levy of execution; limiting the homestead exemption from seizure or sale; requiring notice to judgment debtors prior to delivery of funds owed to the judgment debtor by any third party to satisfy a creditor's claim; providing for an exemption notice within certain time limits; providing penalties for failure to send the exemption notice; clarification of certain exempt funds; providing for an increase in the amount of household goods exempt; amending Minnesota Statutes 1982, sections 510.01; 510.04; 550.041; 550.14; 550.141, by adding a subdivision; 550.37, subdivisions 4, 13, 14, 19, 20, and 24, and by adding a subdivision; 571.41, subdivisions 5 and 6, and by adding subdivisions; 571.42; and 571.67.

Mr. Willet moved to amend S.F. No. 769 as follows:

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 1982, section 548.15, is amended to read:

548.15 [DISCHARGE OF RECORD.]

Upon the satisfaction of a judgment, whether wholly or in part, or as to all or any of several defendants, the clerk shall enter the satisfaction in the judgment roll, and note ~~the same it~~, with ~~the its~~ date ~~thereof~~, on the docket. If the docketing is upon a transcript from another county, the entry on the docket shall be sufficient. A judgment shall be deemed satisfied when there is filed with the clerk:

(1) An execution satisfied, to the extent stated in the sheriff's return ~~thereon~~ on it;

(2) A certificate of satisfaction signed and acknowledged by the judgment creditor;

(3) A like certificate signed and acknowledged by the attorney of the creditor, unless his authority as attorney has previously been revoked and an entry of the revocation made upon the register; ~~but~~ the authority of an attorney to satisfy a judgment ~~shall cease~~ *ceases* at the end of six years from its entry;

(4) An order of the court, made on motion, requiring the execution of a certificate of satisfaction, or directing satisfaction to be entered without it;

(5) Where a judgment is docketed on transcript, a copy of either of the foregoing documents, certified by the clerk of the court in which the judgment was originally entered and in which the originals were filed.

A satisfaction made in the name of a partnership ~~shall be~~ is valid if executed by a member ~~thereof~~ of it while the partnership continues. The judgment creditor, or his attorney while his authority continues, may also satisfy a judgment of record by a brief entry on the register, signed by him and dated and witnessed by the clerk, who shall note the satisfaction on the margin of the docket. When a judgment is satisfied otherwise than by return of execution, the judgment creditor or his attorney shall give a certificate ~~thereof~~ of it within ten days after the satisfaction."

Page 2, line 36, delete "18" and insert "19"

Page 4, line 18, delete "18" and insert "19"

Page 5, line 20, after "attorney" insert "*or judgment creditor*"

Page 5, line 23, after "court" insert "*, within ten days after the satisfaction,*"

Page 6, line 5, delete "18" and insert "19"

Page 7, line 23, delete "18" and insert "19"

Page 14, line 32, delete "18" and insert "19"

Page 16, line 8, delete "18" and insert "19"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after the first semicolon, insert "548.15;"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich moved to amend S.F. No. 769 as follows:

Page 1, line 30, delete everything after "*exceeding*"

Page 1, line 31, delete "*debtors with joint ownership*" and insert "*\$150,000*"

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend S.F. No. 769 as follows:

Pages 1 and 2, delete sections 1 and 2

Page 2, line 36, delete "18" and insert "16"

Page 4, line 18, delete "18" and insert "16"

Page 6, line 5, delete "18" and insert "16"

Page 7, line 23, delete "18" and insert "16"

Page 14, line 32, delete "18" and insert "16"

Page 16, line 8, delete "18" and insert "16"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "limiting the"

Page 1, line 4, delete everything before "requiring"

Page 1, line 12, delete "510.01;"

Page 1, line 13, delete "510.04;"

The motion prevailed. So the amendment was adopted.

S.F. No. 769 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 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Benson, Kamrath and Mrs. Kronebusch voted in the negative.

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

SPECIAL ORDER

H.F. No. 441: A bill for an act relating to housing; increasing the maximum permissible return to certain mortgagors; increasing the maximum amount of housing finance agency rehabilitation loans; combining certain bonding categories; clarifying other housing finance agency duties and powers; modifying certain duties and powers of issuers of local housing revenue bonds; amending Minnesota Statutes 1982, sections 462A.03, subdivision 13; 462A.05, subdivisions 4, 9, 14a, 18, and by adding a subdivision; 462A.06, subdivision 8; 462A.09; 462A.21, subdivision 4b, and by adding a subdivision; 462A.22, subdivisions 1 and 5; and 462C.07, subdivision 1; repealing Minnesota Statutes 1982, section 462A.22, subdivision 1a.

Mr. Kroening moved to amend H.F. No. 441, as amended pursuant to Rule 49, adopted by the Senate April 6, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 324)

Page 5, line 27, reinstate the stricken “; provided that”

Page 5, line 35, before the period insert:

“(i) the aggregate price at which an issue of notes or bonds is initially offered by underwriters to investors, as set forth in the agency's official statement with respect to the offering, shall not exceed by more than three percent the aggregate price paid by the underwriters to the agency at the time of delivery; (ii) the commission paid by the agency to an underwriter or agent for placing an issue of notes or bonds with investors shall not exceed three percent of the aggregate price at which the issue is offered to investors as set forth in the agency's offering statement; and (iii) the spread or commission shall be an amount determined by the agency to be reasonable in the light of the risk assumed and the expenses of issuance, if any, required to be paid by the underwriters or agent”

Page 7, after line 15, insert:

“Sec. 13. Minnesota Statutes 1982, section 462C.05, subdivision 7, is amended to read:

Subd. 7. A development may consist of a combination of a multifamily housing development and a new or existing health care facility, as defined by section 474.02, if the following conditions are satisfied:

(a) The multifamily housing development is designed and intended to be used for rental occupancy;

(b) The multifamily housing development is designed and intended to be used primarily by elderly or physically handicapped persons; and

(c) Nursing, medical, personal care, and other health related assisted living services are available on a 24 hour basis in the development to the residents.

The limitations of section 462C.04, subdivision 2, clause (c), shall not apply to projects defined in this subdivision and approved by the Minnesota housing finance agency before ~~July~~ *October* 1, 1983. ~~The limitations of section 462C.07, subdivision 2, shall not apply to bonds issued for projects defined in this subdivision.~~

The Minnesota housing finance agency shall provide, in the annual report required by section 462C.04, subdivision 2, information on the costs incurred for the issuance of bonds for projects defined in this subdivision. The report shall also include the Minnesota housing finance agency's recommendations for the regulation of costs of issuance for future issues.

Sec. 14. Minnesota Statutes 1982, section 462C.07, subdivision 1, is amended to read:

Subdivision 1. To finance programs or developments described in any plan the city may, upon approval of the program as provided in section 462C.04, subdivision 2, issue and sell revenue bonds or obligations which shall be payable exclusively from the revenues of the programs or developments. In the purchase or making of single family housing loans and the purchase or making of multifamily housing loans and the issuance of revenue bonds or other obligations the city may exercise within its corporate limits, any of the powers the Minnesota housing finance agency may exercise under chapter 462A, without limitation under the provisions of chapter 475; ~~and the revenue bonds or other obligations may be sold at 97 percent or more of their principal amount, notwithstanding the provisions of section 462A.09."~~

Page 7, after line 18, insert:

"Sec. 16. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "modifying certain duties and powers of issuers of local housing revenue bonds;"

Page 1, line 10, after the semicolon, delete "and"

Page 1, line 11, after the semicolon, insert "462C.05, subdivision 7; and 462C.07, subdivision 1"

The motion prevailed. So the amendment was adopted.

H.F. No. 441 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 463: A bill for an act relating to port authorities; authorizing revenue bond financing of certain facilities; eliminating the interest rate limit on revenue bonds and authorizing private sale; clarifying contractual and operational authority of port authorities; amending Minnesota Statutes 1982, sections 458.192, subdivisions 1, 4, and by adding a subdivision; 458.194, subdivisions 2, 3, and by adding a subdivision; and 458.195, 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 41 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Pehler	Storm
Anderson	Dicklich	Langseth	Peterson, D.C.	Stumpf
Belanger	Diessner	Lantry	Petty	Taylor
Berglin	Freeman	Lessard	Pogemiller	Vega
Bernhagen	Hughes	McQuaid	Purfeerst	Wegscheid
Bertram	Johnson, D.E.	Mehrkins	Ramstad	
Chmielewski	Jude	Nelson	Reichgott	
Dahl	Knutson	Novak	Renneke	
Davis	Kronebusch	Olson	Sieloff	

Those who voted in the negative were:

Benson	Kamrath	Luther	Peterson, R.W.	Waldorf
Berg	Knaak	Moe, D.M.	Ulland	Willet
Isackson	Kroening			

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 934: A bill for an act relating to elections; authorizing the use of electronic voting systems for absentee voting under certain circumstances; authorizing the secretary of state to promulgate rules; amending Minnesota

Statutes 1982, sections 203B.08, by adding subdivisions; 203B.11; and 203B.12, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 203B.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 892: A bill for an act relating to insurance; authorizing the establishment of joint self-insurance employee health plans; providing administrative, trust, bonding, investment, and reporting requirements; establishing a quarterly revenue fee; proposing new law coded as Minnesota Statutes, chapter 62H.

Mr. Willet moved to amend S.F. No. 892 as follows:

Page 3, after line 33, insert:

“Sec. 8. [62H.08] [EXEMPTION.]

A homogenous joint employer plan providing group health benefits, which was in existence prior to March 1, 1983, and which is associated with, or organized or sponsored by, an association exempt from taxation under United States Code, title 26, section 501(c)(6), and controlled by a board of trustees a majority of whom are members of the association, is exempt from the requirements of this act and the insurance laws of this state.”

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Willet then moved to amend S.F. No. 892 as follows:

Page 1, line 16, delete “250” and insert “100”

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

S.F. No. 892 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Renneke introduced—

S.F. No. 1216: A bill for an act relating to wild animals; fur buyers licensing; amending Minnesota Statutes 1982, section 98.46, subdivision 4.

Referred to the Committee on Agriculture and Natural Resources.

MEMBERS EXCUSED

Mrs. Brataas, Messrs. Frederick, Frederickson and Peterson, C.C. were excused from the Session of today. Messrs. Freeman and Johnson, D.J. were excused from the Session of today from 9:00 a.m. to 9:50 a.m. Mr. Sieloff was excused from the Session of today from 9:00 to 10:45 a.m. Mr. Merriam was excused from the Session of today from 9:00 a.m. to 12:00 noon. Mr. Knaak was excused from the Session of today from 10:15 to 11:00 a.m. Ms. Reichgott was excused from the Session of today from 10:40 to 11:00 a.m. Mrs. McQuaid, Mr. Hughes and Mrs. Kronebusch were excused from the Session of today at 11:45 a.m. Mr. Dicklich was excused from the Session of today at 12:00 noon.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, May 2, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate