

## FIFTY-FIFTH DAY

St. Paul, Minnesota, Tuesday, May 17, 1983

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

### CALL OF THE SENATE

Mr. Willet 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. Kenneth Ludeschere.

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

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

The President declared a quorum present.

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

### REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed with the Secretary of the Senate: Pollution Control Agency, Minnesota Water Quality, 1982; Workers' Compensation Court of Appeals, Permanent Partial Disability Panel Pilot Project, 1983; Department of Natural Resources, Report on Endangered Species, 1983; Zoological Garden, Annual Report, 1982; Department of Education, Impact of Conciliation Conference, 1981-82; Department of Energy, Planning and Development, Small Business Set-Aside Program, 1981-82; Department of Transportation, Small Business Set-Aside Program, 1981-82; Ethical Practices Board, Annual Report, 1981-82; Minnesota Community College System, 1983; Department of Agriculture, Weather Modification Activities, 1982; Department of Education, Alterna-

tive Delivery Systems for Small Rural Schools, 1983; Minnesota Housing Finance Agency, Biennial Report, 1982-83; Minnesota Housing Finance Agency, Biennial Report, Appendix, 1982-83; Joint Senate/House Task Force on Use of State Hospital Facilities, 1983; Department of Natural Resources, Amount of Gasoline Used for Motorboats and Snowmobiles, 1982; Report of Revisor of Statutes, Concerning Certain Opinions of the Supreme Court, 1982; Metropolitan Council, Annual Report, 1982; Metropolitan Transit Commission, Capital Budget, 1983; Metropolitan Waste Control Commission, Program Budget, 1983; Metropolitan Waste Control Commission, Estimated Cost Allocation, 1983; Metropolitan Transit Commission, User Fees and Schedules; Department of Natural Resources, Regional Organization, 1983; Department of Administration, Final Report, Energy Conservation in State Owned Buildings, 1983; Minnesota State Board of Investment, 1982; Department of Public Welfare, Supplemental Aid Program, Annual Report, 1982; Department of Education, Division of Instruction, Teacher-Pupil Ratio and Supervision Rules Governing Special Education Programs in Minnesota Public Schools, 1983; Minnesota Sentencing Guidelines Commission, 1983; Department of Administration, Small Business Procurement Act, Annual Report, 1982; Department of Education, Division of Special Services, Improved Learning Program, 1982; Department of Education, Minnesota Educational Computing Consortium, Telecommunications and Computers: A Study of the Impact on the Instructional Telecommunications Funding Reduction, 1982; Department of Natural Resources, Trails and Waterways Unit, User-fee Feasibility on DNR-Assisted Recreation Trails, 1983; Department of Natural Resources, Division of Forestry, Nursery and Tree Improvement Program, 1983; Department of Energy, Planning and Development, Report on Regional Health Planning, 1982; Department of Education, Preschool Screening Program, Annual Report, 1981-82; Department of Energy, Planning and Development, Border Cities Study, 1983; Iron Range Resources and Rehabilitation Board, Biennial Report, 1980-82; Pollution Control Agency, Biennial Report, 1982; Department of Public Welfare, Community Social Services Act, 1981; Legislative Commission on Metropolitan Governance, 1983; University of Minnesota, Progress Report on Energy Conservation Surveys, 1983; University of Minnesota, Annual Report, 1982; University of Minnesota, Progress Report on Planning, 1983; Department of Public Welfare, Experimental Grants for Services to Chronically Mentally Ill Persons; Minnesota Department of Human Rights, Biennial Report, 1981-82; Legislative Commission on Minnesota Resources, 20th Year Symposium, 1983; Department of Natural Resources, Minnesota Dam Safety Program, Cedar River Dam, 1983; Legislative Auditor, Financial Audit Division, An Analysis of Financial Problems and Opportunities, 1982; Minnesota Department of Corrections, Biennial Report, 1981-82; Department of Finance, Report of Actions of the Legislative Advisory Commission; Department of Agriculture, Shade Tree Program, 1982; Department of Finance, Report on Fees; Department of Education, Unrequested Leave of Absence; Governor of the State of Minnesota, Fund Statements; Metropolitan Sports Facilities Commission, Small Business Procurement Report; Department of Public Welfare, Residential Services for Mentally Retarded.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 13, 1983

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

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1983 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983 May 13	Date Filed 1983 May 13
	725	143		

Sincerely,

Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1011: A bill for an act relating to unemployment compensation; providing for conformity with federal law; imposing an annual surcharge on employers' calendar year contributions for the purpose of repayment of interest charged on federal loans; creating the emergency interest repayment fund; adding a category to the extension of base period in the definition of base period; updating the law to reflect current practice; making technical changes; removing obsolete language; regulating administrative practices; providing for the effect of back pay awards; regulating benefit amounts, contributions, and benefit eligibility; requiring a report to the legislature on shared work benefits; appropriating money; amending Minnesota Statutes 1982, sections 268.04, subdivisions 2, 12, 17, 25, 26, 29, and by adding a subdivision; 268.05, subdivision 5; 268.06, subdivisions 1, 2, 3a, 5, 20, 28, and 29; 268.07, subdivisions 2 and 3; 268.071, subdivision 3; 268.08, subdivisions 1, 3, 6, and by adding subdivisions; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, 7, and 9; 268.11, subdivisions 2 and 3; 268.12, subdivisions 8 and 9; 268.16, subdivision 2; 268.161, subdivisions 1, 4, 5, 7, and 8; 268.18, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.06, subdivision 32.

Senate File No. 1011 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

### CONCURRENCE AND REPASSAGE

Mr. Chmielewski moved that the Senate concur in the amendments by the

House to S.F. No. 1011 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1011 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 36 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Luther	Petty	Stumpf
Berglin	Frank	Mehrkens	Pogemiller	Waldorf
Bertram	Freeman	Moe, R. D.	Samuelson	Wegscheid
Chmielewski	Hughes	Nelson	Schmitz	Willet
Dahl	Johnson, D.E.	Olson	Sieloff	
Davis	Jude	Pehler	Solon	
DeCramer	Kronebusch	Peterson, D.C.	Spear	
Dicklich	Lantry	Peterson, R.W.	Storm	

Those who voted in the negative were:

Anderson	Berg	Frederickson	Kamrath	Ramstad
Belanger	Bernhagen	Isackson	Knaak	Ulland
Benson	Brataas			

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. 72: A bill for an act relating to occupations and professions; authorizing the commissioner of public safety to provide administrative support services to the board of peace officer standards and training; amending Minnesota Statutes 1982, sections 214.04, subdivision 1; 626.843, subdivision 1; 626.845, subdivision 1; and 626.849.

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

Clark, J.; Begich and McKasy.

Senate File No. 72 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 297: A bill for an act relating to criminal justice; requiring peace officers to make arrests based on probable cause in cases of domestic as-

sault; requiring peace officers to notify victims of domestic assault of the legal remedies available; amending Minnesota Statutes 1982, section 629.341; and Laws 1983, chapter 52, by adding a section.

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

Coleman, Osthoff and Levi.

Senate File No. 297 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 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. 473: A bill for an act relating to traffic regulations; removing restrictions on use at trial of an accused's refusal to take a chemical test; providing that a suspect be informed that refusal to take a chemical test will be used against him at trial; removing requirements for mandatory detoxification in certain instances; providing penalties; amending Minnesota Statutes 1982, sections 169.121, subdivisions 2, 3, 4, and 8; and 169.123, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, section 169.1231.

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

Vellenga; Vanasek; Clark, J.; Dempsey and McKasy.

Senate File No. 473 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 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. 652: A bill for an act relating to agriculture; adopting recommended federal rules relating to milk quality for manufacturing purposes; providing for phase in of inspections and compliance; proposing new law coded in Minnesota Statutes, chapter 32.

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

Ogren, Wenzel, Kalis, Sparby and Uphus.

Senate File No. 652 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 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. 634: A bill for an act relating to game and fish; establishing the joint legislative committee on fishing resources; imposing a surcharge on fishing licenses for development and improvement of state fishing resources; authorizing designation of experimental and specialized fishing waters; authorizing additional notice of netting season; licensing fishing guides; increasing certain license fees; prohibiting angling and use of tip-ups while spearing in a dark house; prohibiting issuance of new commercial game fish netting licenses; allowing designation of lakes for taking of certain muskellunge; imposing penalties for various offenses; amending Minnesota Statutes 1982, sections 84.027, subdivision 2; 97.48, subdivision 26, and by adding a subdivision; 97.53, by adding a subdivision; 97.55, by adding subdivisions; 98.46, subdivision 5; 98.52, by adding subdivisions; and 101.42, subdivisions 1a and 20; proposing new law coded in Minnesota Statutes, chapters 97, 98, and 102.

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

Sarna, Munger, Battaglia, Osthoff and Bennett.

Senate File No. 634 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 695: A bill for an act relating to public welfare; requiring new procedures for determining nursing home payment rates; requiring a moratorium on certification or welfare licensure of new beds with certain exceptions; providing for an interagency board for quality assurance; appropriating money; amending Minnesota Statutes 1982, sections 144A.10, subdivisions 4, 6, and by adding a subdivision; 256B.091, subdivisions 1, 2, 4, and 8; 256B.41; 256B.47; and 256B.48; proposing new law coded in Minnesota Statutes 1982, chapters 144A and 256B; repealing Minnesota Statutes 1982, sections 256B.42; 256B.43; 256B.44; 256B.45; and 256B.46; and 12 MCAR 2.049.

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

Clawson, Swanson and Onnen.

Senate File No. 695 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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

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

Anderson, B.; Quinn and Halberg.

Senate File No. 923 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 989: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the data practice act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10, and by adding a subdivision; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.46, subdivision 2, and by adding subdivisions; 13.67; 144.335, subdivision 2; and 253B.03, subdivision 8; proposing new law coded in Minnesota Statutes, chapter 13.

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

Ellingson, Minne and Dempsey.

Senate File No. 989 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1189: A bill for an act relating to employment; exempting search firms from employment agency licensing; 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; amending Minnesota Statutes 1982, sections 184.22, subdivision 2, and by adding subdivisions; 184.29; 184.30, subdivision 1; and 184.41.

There has been appointed as such committee on the part of the House:  
Ogren, Skoglund and Heinitz.

Senate File No. 1189 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1983

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 870 and repassed said bill in accordance with the report of the Committee, so adopted.

H.F. No. 870: A bill for an act relating to state government; authorizing the commissioner of the department of economic security to adopt permanent or temporary rules; proposing new law coded in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1982, section 268.12, subdivision 3.

House File No. 870 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1983

Mr. Moe, R.D. moved that H.F. No. 870 and the Conference Committee report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 549 and 1310.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1983

### FIRST READING OF HOUSE BILLS

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

H.F. No. 549: A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; and proposing new law coded in Minnesota Statutes, chapter 116J.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 409.

H.F. No. 1310: A bill for an act relating to capital improvements; author-



izing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 16.

Mr. Moe, R.D. moved that H.F. No. 1310 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

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

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

S.F. No. 409: A bill for an act relating to education; establishing a lending program to fund school energy conservation investments; authorizing the issuance of state bonds pursuant to article XI of the Minnesota Constitution; appropriating money; amending Minnesota Statutes 1982, section 275.125, subdivisions 11a, 11b, and by adding a subdivision; amending Laws 1969, chapter 775, section 4, by adding a subdivision; chapter 822, by adding a section; chapter 1060, by adding a section; and proposing new law coded in Minnesota Statutes, chapters 116J and 124.

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

Page 1, line 26, delete "make" and insert "approve"

Page 2, line 6, delete "he or she prescribes" and insert "prescribed"

Page 2, line 8, delete "or not"

Page 2, line 19, delete "proceeds of bonds or"

Page 2, line 22, delete "make" and insert "approve"

Page 2, line 23, delete "terms" and insert "conditions"

Page 2, line 29, delete "is" and insert "must be"

Page 2, line 32, delete "pay money" and insert "approve payment"

Page 3, line 1, delete "commissioner's" and insert "commissioner of finance's"

Page 3, line 3, after "commissioner" insert "of finance"

Page 3, line 7, after "commissioner" insert "of finance"

Page 3, delete section 2

Page 5, line 34, strike "116H" and insert "116J"

Page 6, line 16, after "audits;" insert "or"

Page 6, line 17, delete "or"

Page 6, delete lines 18 and 19

Page 6, line 20, delete everything before the period

Pages 6 and 7, delete sections 6 to 8

Page 7, line 13, after the dollar sign, insert "30,000,000"

Page 7, line 14, after "commissioner" insert "of finance"

Page 7, line 18, delete "and the"

Page 7, delete line 19

Page 7, line 20, delete "sections 1 and 2"

Page 7, line 21, delete "10" and insert "6"

Page 7, line 22, after the period, insert "To reduce the amount of taxes otherwise required to be levied, there is also appropriated from the general fund, on November 1 in each year, a sum of money sufficient in amount, when added to other funds appropriated for the bonds, to pay all bonds and interest on them due and to become due to and including July 1 in the second ensuing year."

Page 7, delete lines 26 to 28 and insert:

"Subd. 2. None of the appropriations made in this section shall lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each loan approved for disbursement shall be and remain appropriated for that purpose until the loan is fully disbursed or part or all of it is revoked by the energy division.

Subd. 3. [ADMINISTRATIVE EXPENSES.] The sum of \$695,318 is appropriated from the general fund to the commissioner to administer section 1. This sum is available for the fiscal year ending June 30 in the years indicated:

1984	1985
\$375,318	\$320,000

The commissioner may employ persons necessary to perform the functions required by section 1. These employees may be in the unclassified service. The approved complement of the department is increased by 11 positions.

Subd. 4. [AUDIT EXPENSES.] The sum of \$500,000 is appropriated to the commissioner of energy, planning and development for the purpose of providing cost-share audit revision services for previously audited buildings in an amount not to exceed \$2,000 per building and to provide cost-share audit services for nonaudited buildings in an amount not to exceed \$5,000 per building to eligible institutions applying for loans authorized in section 1. The commissioner of energy, planning and development shall contract for provision of audit services, and determine the amount, if any, of audit revision and audit services for which the institution is eligible."

Page 7, line 31, delete "9" and insert "5"

Page 7, line 31, after "finance" insert "upon request of the governor"

Page 7, line 33, after the dollar sign, insert "30,000,000"

Page 7, line 34, delete "16A.66" and insert "16A.671"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after the semicolon

Page 1, delete lines 9 and 10

Page 1, line 11, delete "and"

Page 1, line 12, delete "chapters 116J and 124" and insert "chapter 116J"

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

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

H.F. No. 233: A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees.

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

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

H.F. No. 744: A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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

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

S.F. No. 839: A bill for an act relating to veterans; clarifying eligibility for certain educational programs; standardize the definition of "veteran"; improve management of grant program; coordinate program with federal law; amending Minnesota Statutes 1982, section 197.75; proposing new law coded in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1982, sections 197.09; 197.10; and 197.11.

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

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

S.F. No. 584: A bill for an act relating to labor; establishing the job skills partnership; creating a board; appropriating money; proposing new law coded as Minnesota Statutes, chapter 116K.

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

Page 4, line 5, delete "\$2,000,000" and insert "\$1,500,000"

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

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

S.F. No. 77: A bill for an act relating to veterans; providing funds for the

Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; appropriating money.

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

Page 1, line 10, delete "\$3,000,000" and insert "\$1,000,000"

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

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

S.F. No. 950: A bill for an act relating to agriculture; requiring pseudorabies testing and imposing quarantine and restricted movement requirements for swine; proposing new law coded in Minnesota Statutes 1982, chapter 35.

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

Page 1, line 12, before the comma, insert "after the entry, sale, lease, or loan"

Page 2, after line 21, insert:

"Sec. 4. [APPROPRIATION.]

*The sum of \$50,000 is appropriated from the general fund to the board of animal health for the purposes of this act, to be available for the fiscal year ending June 30 in the years indicated.*

FY 1984  
\$25,000

FY 1985  
\$25,000

*The approved complement of the board of animal health is increased by one position."*

Page 2, line 22, delete "4" and insert "5"

Page 2, line 24, after the period, insert "Section 4 is effective July 1, 1983."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "appropriating money;"

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

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

H.F. No. 257 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.
257	860				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 257 be amended as follows:

Page 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

And when so amended H.F. No. 257 will be identical to S.F. No. 860, and further recommends that H.F. No. 257 be given its second reading and substituted for S.F. No. 860, 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 LABOR AND INDUSTRY  
COMMISSIONER  
Steve Keefe

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. 1254, 409, 839, 584, 77 and 950 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 233, 744 and 257 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Ramstad introduced—

Senate Resolution No. 56: A Senate resolution proclaiming June 1, 1983, as Les Bolstad Day in the State of Minnesota.

Referred to the Committee on Rules and Administration.

Ms. Reichgott introduced—

Senate Resolution No. 57: A Senate resolution congratulating the Hosterman Junior High School Chess Team for its fourth consecutive state title.

Referred to the Committee on Rules and Administration.

Mr. Purfeerst introduced—

Senate Resolution No. 58: A Senate resolution congratulating Shattuck-St. Mary's School upon the 125th anniversary of its founding.

Referred to the Committee on Rules and Administration.

### RECESS

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

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

### APPOINTMENTS

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

H.F. No. 409: Messrs. Purfeerst, Bertram and Anderson.

H.F. No. 77: Messrs. Purfeerst, Frank, Lessard, Knaak and Spear.

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Merriam, Nelson, Frank and Novak introduced—

S.F. No. 1255: A bill for an act relating to education; authorizing discretionary contract renewal of a superintendent; amending Minnesota Statutes 1982, section 123.34, subdivision 9.

Referred to the Committee on Education.

Messrs. Merriam, Nelson, Ramstad, Lessard and Hughes introduced—

S.F. No. 1256: A bill for an act relating to gambling; allowing certain organizations to conduct casino nights under specified conditions; amending Minnesota Statutes 1982, sections 349.26, subdivisions 2, 8, 10, 11, 12, 13, 14, 15, 15a, and by adding a subdivision; 349.31, subdivision 1; 541.20; 541.21; and 609.75, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Mr. Johnson, D.J. introduced—

S.F. No. 1257: A bill for an act relating to game and fish; authorizing free fishing licenses for totally and permanently disabled public employees; amending Minnesota Statutes 1982, section 98.47, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam; Davis; Moe, D.M.; Luther and Ms. Berglin intro-

duced—

S.F. No. 1258: A bill for an act relating to environment; requiring a permit for test drilling of geologic structures for disposal of high level radioactive waste and notification of results; regulating transportation of high level radioactive waste through the state; providing penalties; proposing new law coded in Minnesota Statutes, chapter 116C.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davis introduced—

S.F. No. 1259: A bill for an act relating to retirement; authorizing teachers to purchase allowable service credit for military service or out of state teaching service; proposing new law coded in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations.

Mr. Merriam introduced—

S.F. No. 1260: A bill for an act relating to education; restricting the Minnesota state high school league to regulating athletics during the school year; amending Minnesota Statutes 1982, section 129.121, subdivision 1.

Referred to the Committee on Education.

Messrs. Merriam and Jude introduced—

S.F. No. 1261: A bill for an act relating to real property; providing for the effect of payment of taxes on a claim of title by adverse possession; amending Minnesota Statutes 1982, section 541.02.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 1262: A bill for an act relating to environment; providing a comprehensive program for recovery of solid waste; imposing taxes; imposing criminal penalties; amending Minnesota Statutes 1982, sections 116J.06, by adding subdivisions; 290.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 116F.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davis, Pehler, DeCramer, Purfeerst and Bernhagen introduced—

S.F. No. 1263: A resolution memorializing the governments of the United States and the Republic of China that the State of Minnesota adopts the Province of Taiwan as a sister state.

Referred to the Committee on Rules and Administration.

Messrs. Purfeerst, Luther and Moe, R.D. introduced—

S.F. No. 1264: A bill for an act relating to state government; providing for legislative expenses; amending Minnesota Statutes 1982, section 3.101;

repealing Minnesota Statutes 1982, section 3.102.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Special Orders Calendar. The motion prevailed.

### SPECIAL ORDER

H.F. No. 558: A bill for an act relating to commerce; altering certain interest rate provisions on renegotiations of conventional and cooperative apartment loans and contracts for deed; amending Minnesota Statutes 1982, section 47.20, subdivision 4a.

Mr. Wegscheid, for Mr. Merriam, moved to amend H.F. No. 558, the unofficial engrossment, as follows:

Page 10, after line 18, insert:

“Sec. 4. Minnesota Statutes 1982, section 325G.30, subdivision 3, is amended to read:

Subd. 3. [CONSUMER CONTRACT.] “Consumer contract” means any written contract with a consumer except: (1) a contract where the price, excluding interest or finance charges, is more than \$50,000; (2) a contract ~~through which a consumer obtains money or credit to be used to purchase or refinance mortgaging~~ an interest in realty; (3) a contract in which the sale of personal property is merely incidental to the sale of an interest in realty.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “clarifying the plain language requirement for mortgages;”

Page 1, line 8, delete “section” and insert “sections”

Page 1, line 9, before the period, insert “; and 325G.30, subdivision 3”

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend H.F. No. 558, the unofficial engrossment, as follows:

Page 9, line 8, after “subdivision” insert “*if the renegotiated rate of interest is less than or equal to the original rate of interest on the loan or contract*”

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

H.F. No. 558 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:



Adkins	Davis	Kronebusch	Peterson, D. L.	Storm
Anderson	DeCramer	Lantry	Peterson, R. W.	Stumpf
Belanger	Diessner	Lessard	Petty	Taylor
Benson	Frederick	Luther	Purfeerst	Ulland
Berg	Hughes	McQuaid	Ramstad	Vega
Bernhagen	Isackson	Mehrkins	Reichgott	Wegscheid
Bertram	Johnson, D. E.	Merriam	Renneke	
Brataas	Jude	Moe, R. D.	Schmitz	
Chmielewski	Kamrath	Olson	Sieloff	
Dahl	Knaak	Pehler	Solon	

Those who voted in the negative were:

Berglin	Frank	Peterson, D. C.	Samuelson	Willet
Dieterich	Kroening	Pogemiller	Spear	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on H.F. No. 1283 at 12:00 Noon.

Messrs. Hughes, Nelson, Taylor, Dicklich and Waldorf. The motion prevailed.

### SPECIAL ORDER

S.F. No. 510: A bill for an act relating to housing; prohibiting certain rent control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

Mr. Wegscheid moved to amend S.F. No. 510 as follows:

Page 1, line 14, after "town" insert:

"(1)"

Page 1, line 16, after "agency" insert " , or

(2) to contract with a property owner who is a recipient of public subsidies, grants, or loans, or

(3) to act as required or authorized by laws or regulations of the United States Government or this state"

Mr. Dieterich moved to amend the Wegscheid amendment to S.F. No. 510 as follows:

Page 1, line 6, delete "who is a recipient of"

Page 1, line 7, delete "public subsidies, grants, or loans"

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

The question recurred on the Wegscheid amendment, as amended. The motion prevailed. So the Wegscheid amendment, as amended, was adopted.

Mr. Merriam moved to amend S.F. No. 510 as follows:

Page 1, line 9, delete "is" and insert "may be"

Page 1, line 10, delete "no statutory or home rule charter"

Page 1, delete lines 11 to 16 and insert "the Minnesota housing finance agency shall study the subject of the imposition of rent controls on private residential housing units, prepare a report, and submit the report to the appropriate standing committees of the legislature on or before January 1, 1985. In the report, the agency shall summarize a survey of the relevant literature on the subject, may address any issues that it deems relevant to a thorough treatment of the subject, and shall address the following issues:

(1) The incentives and disincentives to the investment of private capital in the development of government subsidized and unsubsidized rental housing units;

(2) The impact, if any, of the adoption by a local unit of government of a law of general applicability placing restrictions on the amount of rent increases in private residential housing units on (a) the investment of private capital in the development of rental housing units; (b) the investment of federal, state, and local funds in the development of rental housing units; (c) the level of maintenance and repair of the private residential housing units covered by the law; and (d) the rent to income ratio of tenants occupying the private residential housing units covered by the law;

(3) The impact, if any, of the presence of a state law proscribing the adoption by local units of government of rent controls on (a) the investment of private capital in the development of rental housing units, and (b) the investment of federal, state, and local funds in the development of rental housing units."

Amend the title as follows:

Page 1, line 2, delete "prohibiting certain rent control"

Page 1, line 3, delete everything before the semicolon and insert "providing for a study by the Minnesota housing finance agency of the subject of rent controls on private residential housing units"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Kroening	Moe, R. D.	Pogemiller
Dahl	Frank	Langseth	Nelson	Samuelson
Davis	Freeman	Luther	Novak	Spear
Dicklich	Hughes	Merriam	Pehler	Willet
Diessner	Johnson, D.J.	Moe, D. M.	Peterson, D.C.	

Those who voted in the negative were:

Adkins	Chmielewski	Knaak	Peterson, D.L.	Stumpf
Anderson	DeCramer	Knutson	Peterson, R.W.	Ulland
Belanger	Frederick	Kronebusch	Petty	Vega
Benson	Frederickson	Laidig	Reichgott	Wegscheid
Berg	Isackson	Lantry	Renneke	
Bernhagen	Johnson, D.E.	McQuaid	Schmitz	
Bertram	Jude	Mehrken	Sieloff	
Brataas	Kamrath	Olson	Storm	

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

Mr. Dieterich moved to amend S.F. No. 510 as follows:

Page 1, line 8, before "The" insert "Subdivision 1."

Page 1, line 10, delete "Therefore" and insert:

"Subd. 2. Except as provided in subdivisions 3 and 4,"

Page 1, line 12, after the period, insert:

"Subd. 3. A home rule charter city, pursuant to a charter provision, may impose controls on the rents charged for residential property if there exists within the city a significant shortage of suitable rental dwellings available to low and moderate income individuals or families.

Subd. 4."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a hearing in certain cases;"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 15 and nays 44, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Merriam	Novak	Pogemiller
Dahl	Frank	Moe, D. M.	Peterson, D.C.	Samuelson
Dicklich	Johnson, D.J.	Nelson	Peterson, R.W.	Spear

Those who voted in the negative were:

Adkins	DeCramer	Kamrath	McQuaid	Schmitz
Anderson	Diessner	Knaak	Mehrkens	Sieloff
Belanger	Frederick	Knutson	Olson	Solon
Berg	Frederickson	Kronebusch	Pehler	Storm
Bernhagen	Freeman	Laidig	Peterson, D.L.	Stumpf
Bertram	Hughes	Langseth	Petty	Ulland
Brataas	Isackson	Lantry	Ramstad	Vega
Chmielewski	Johnson, D.E.	Lessard	Reichgott	Wegscheid
Davis	Jude	Luther	Renneke	

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

Mr. Pogemiller moved to amend S.F. No. 510 as follows:

Page 1, line 9, after "on" insert "new"

Page 1, line 12, after "property" insert "constructed or substantially rehabilitated after the effective date of this act"

Page 1, line 15, after "has" insert "or acquires"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 19 and nays 44, as follows:

Those who voted in the affirmative were:

Berglin	Dicklich	Johnson, D.J.	Nelson	Pogemiller
Dahl	Dieterich	Kroening	Novak	Samuelson
Davis	Frank	Merriam	Pehler	Spear
DeCramer	Freeman	Moe, D. M.	Peterson, D.C.	

Those who voted in the negative were:

Adkins	Diessner	Knutson	Olson	Sieloff
Anderson	Frederick	Kronebusch	Peterson, D.L.	Solon
Belanger	Frederickson	Laidig	Peterson, R. W.	Storm
Benson	Hughes	Langseth	Petty	Stumpf
Berg	Isackson	Lantry	Purfeerst	Taylor
Bernhagen	Johnson, D.E.	Lessard	Ramstad	Ulland
Bertram	Jude	Luther	Reichgott	Vega
Brataas	Kamrath	McQuaid	Renneke	Wegscheid
Chmielewski	Knaak	Mehrkins	Schmitz	

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

Ms. Berglin moved to amend the Wegscheid amendment to S.F. No. 510, adopted by the Senate May 17, 1983, as follows:

Page 1, line 9, after "state" insert ", or

*(4) to mediate between property owners and tenants for the purpose of negotiating rents"*

The motion prevailed. So the amendment was adopted.

S.F. No. 510 was read the third time, as amended, and placed on its final passage.

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

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

The roll was called, and there were yeas 42 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Kamrath	Olson	Storm
Anderson	Davis	Knaak	Peterson, D.L.	Stumpf
Belanger	DeCramer	Knutson	Petty	Taylor
Benson	Frederick	Kronebusch	Ramstad	Ulland
Berg	Frederickson	Laidig	Renneke	Vega
Bernhagen	Hughes	Langseth	Samuelson	Wegscheid
Bertram	Isackson	Lantry	Schmitz	
Brataas	Johnson, D.E.	Lessard	Sieloff	
Chmielewski	Jude	Mehrkins	Solon	

Those who voted in the negative were:

Berglin	Freeman	Moe, D. M.	Peterson, R.W.	Willet
Dicklich	Johnson, D.J.	Nelson	Pogemiller	
Diessner	Kroening	Novak	Purfeerst	
Dieterich	Luther	Pehler	Reichgott	
Frank	Merriam	Peterson, D.C.	Spear	

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

### SPECIAL ORDER

H.F. No. 553: A bill for an act relating to elections; changing certain

election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivision 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.05, subdivision 1; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; and 209.02, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; and 204B.12, subdivision 2.

Mr. DeCramer moved to amend H.F. No. 553, as amended pursuant to Rule 49, adopted by the Senate March 7, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 446.)

Page 9, after line 12, insert:

“Sec. 23. Minnesota Statutes 1982, section 209.02, subdivision 4a, is amended to read:

Subd. 4a. [NOTICE OF CONTEST, CERTAIN LEGISLATIVE CONTESTS, HOW SERVED.] In legislative contests, notice of contest shall be filed and served as provided in subdivisions 2 to 4, except that the *service of summons must be between the hours of 8:00 a.m. and 8:00 p.m. and the clerk of district court with whom the notice, and answer, if any, has been filed shall, within three days of receipt of each, submit by certified mail one copy thereof to the chief justice of the supreme court. Upon receipt of the notice of contest, the chief justice shall, within five days, submit to the parties a list of all the district judges in the state, having stricken any judges involved in a trial with which serving as judge in the election contest would interfere and having stricken the name of any judge whose health precludes service as judge in the election contest. The parties shall within two days after receiving the list of judges meet together and, in cases where an unfair campaign practice is alleged, by alternating strikes remove the names of all judges until but one remains who shall then proceed to hear the contest in the manner provided in section 209.10. In cases where no unfair campaign practice is alleged, the parties shall follow the same procedure using only the names of judges of the judicial district or districts covering the area served by the contested office. The judge shall, within 15 days after notice has been filed, convene at an appropriate place within the county, or, if the district includes all or portions of more than one county, a county within the legislative district and hear testimony of the parties, under the ordinary rules of evidence for civil actions. If the contestant does not proceed within the time provided for herein his action shall be dismissed and the judge shall transmit a copy of his order for dismissal to the chief clerk of the house of representatives or the secretary of the senate, as appropriate.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete “subdivision” and insert “subdivisions” and after “4” insert “and 4a”

The motion prevailed. So the amendment was adopted.

H.F. No. 553 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 531: A resolution memorializing the President and Congress of the United States to provide medical care for former members of the military forces who were exposed to atomic radiation in the course of their duties.

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

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Moe, R. D.	Spear
Anderson	Diessner	Knaak	Pehler	Storm
Belanger	Dieterich	Knutson	Peterson, D.C.	Stumpf
Berg	Frank	Kroening	Peterson, D.L.	Ulland
Berglin	Frederick	Kronebusch	Petty	Vega
Bernhagen	Freeman	Laidig	Pogemiller	Waldorf
Bertram	Hughes	Lantry	Ramstad	Wegscheid
Brataas	Isackson	Luther	Reichgott	Willet
Dahl	Johnson, D.E.	McQuaid	Renneke	
Davis	Johnson, D.J.	Mehrkens	Schmitz	
DeCramer	Jude	Merriam	Sieloff	

So the resolution passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1236: A bill for an act relating to local government; permitting certain land transfers by the metropolitan sports facilities commission; permitting certain land acquisitions by the Bloomington port authority; amending Minnesota Statutes 1982, section 473.556, subdivision 6.

Mr. Freeman moved that the amendment made to H.F. No. 1236 by the Committee on Rules and Administration in the report adopted May 16, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1236 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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Pehler and Renneke voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 445: A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, sections 1, as amended, and 2, as amended.

Mr. Merriam moved to amend the amendment placed on H.F. No. 445 by the Committee on Local and Urban Government, adopted by the Senate April 25, 1983, as follows:

In the committee amendment to page 2, line 27, and page 3, line 21, after "strike "such"" insert "and insert "the""

The motion prevailed. So the amendment was adopted.

H.F. No. 445 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Novak	Samuelson
Anderson	Dicklich	Knutson	Olson	Schmitz
Belanger	Diessner	Kroening	Pehler	Sieloff
Benson	Dieterich	Kronebusch	Peterson, D.C.	Storm
Berg	Frederickson	Langseth	Peterson, R.W.	Ulland
Berglin	Freeman	Lantry	Petty	Vega
Bertram	Hughes	Luther	Pogemiller	Waldorf
Brataas	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Dahl	Johnson, D.J.	Mehrkens	Reichgott	Willet
Davis	Jude	Merriam	Renneke	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mrs. Lantry moved that the following members be

excused for a Conference Committee on S.F. No. 695 at 3:00 p.m.:

Mrs. Lantry, Mr. Benson and Ms. Berglin. The motion prevailed.

### SPECIAL ORDER

H.F. No. 973: A bill for an act relating to commerce; securities and real estate; modifying the definition of "investment adviser"; clarifying the definition of "trust account"; modifying the definition of "investment metal contract"; defining and regulating investment adviser representatives; expanding the regulation of investment advisers; exempting certain persons from the definition of real estate broker; providing for the suspension of a broker's or salesperson's license pending a hearing; clarifying the intent of certain language relating to the real estate education, research, and recovery fund; modifying an exemption from the registration and annual report requirements for social and charitable organizations; amending Minnesota Statutes 1982, sections 80A.02; 80A.04, subdivisions 2 and 3; 80A.07, subdivisions 1 and 3, and by adding a subdivision; 80A.09, subdivision 1; 80A.14, subdivisions 8, 9, 12, and by adding a subdivision; 82.17, subdivisions 4 and 6; 82.18; 82.27, subdivision 3; 82.34, subdivision 7; 309.515, subdivision 1.

Ms. Reichgott moved that the amendment made to H.F. No. 973 by the Committee on Rules and Administration in the report adopted May 10, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Ms. Reichgott then moved to amend H.F. No. 973, as follows:

Pages 7 and 8, delete section 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 19, delete "8,"

The motion prevailed. So the amendment was adopted.

H.F. No. 973 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Kronebusch	Peterson, D.L.	Schmitz
Anderson	Freeman	Laidig	Peterson, R.W.	Sieloff
Berg	Hughes	Langseth	Petty	Spear
Bernhagen	Johnson, D.E.	Lessard	Pogemiller	Storm
Bertram	Jude	McQuaid	Purfeerst	Stumpf
Davis	Kamrath	Merriam	Ramstad	Taylor
DeCramer	Knaak	Novak	Reichgott	Ulland
Diessner	Knutson	Pehler	Renneke	Vega
Frank	Kroening	Peterson, D.C.	Samuelson	Willet

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



**SPECIAL ORDER**

S.F. No. 1196: A bill for an act relating to taxation; providing a temporary sales tax exemption for sales by community service organizations.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Olson	Sieloff
Anderson	Diessner	Kronebusch	Pehler	Solon
Berg	Frank	Laidig	Peterson, D.C.	Spear
Bernhagen	Frederick	Langseth	Peterson, D.L.	Storm
Bertram	Frederickson	Luther	Petty	Stumpf
Brataas	Hughes	McQuaid	Ramstad	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Reichgott	Ulland
Dahl	Jude	Merriam	Renneke	Vega
Davis	Kamrath	Moe, D. M.	Samuelson	Waldorf
DeCramer	Knutson	Novak	Schmitz	Willet

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S.F. No. 863: A resolution memorializing the President and Secretary of State of the United States to protest discrimination against Soviet Jews and seek an end to restrictions on their emigration.

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

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

Adkins	Frederick	McQuaid	Petty	Storm
Belanger	Frederickson	Mehrkens	Pogemiller	Stumpf
Berg	Freeman	Merriam	Purfeerst	Taylor
Bernhagen	Hughes	Moe, D. M.	Ramstad	Ulland
Bertram	Jude	Novak	Reichgott	Vega
Dahl	Knaak	Olson	Renneke	Waldorf
Davis	Knutson	Pehler	Samuelson	Wegscheid
DeCramer	Kronebusch	Peterson, C.C.	Schmitz	Willet
Dicklich	Laidig	Peterson, D.C.	Sieloff	
Diessner	Langseth	Peterson, D.L.	Solon	
Frank	Luther	Peterson, R.W.	Spear	

So the resolution passed and its title was agreed to.

**SPECIAL ORDER**

H.F. No. 836: A bill for an act relating to the legislative reference library; permitting the library to require certain identification of documents deposited; amending Minnesota Statutes 1982, sections 3.195; and 3.302, 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	McQuaid	Pogemiller	Stumpf
Belanger	Frederick	Mehrkens	Purfeerst	Taylor
Berg	Frederickson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D. M.	Reichgott	Vega
Bertram	Jude	Nelson	Renneke	Waldorf
Brataas	Kamrath	Olson	Samuelson	Wegscheid
Chmielewski	Knutson	Pehler	Schmitz	Willet
Dahl	Kroening	Peterson, C. C.	Sieloff	
Davis	Kronebusch	Peterson, D. C.	Solon	
DeCramer	Laidig	Peterson, D. L.	Spear	
Diessner	Luther	Petty	Storm	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 652: A bill for an act relating to retirement; public plans generally; providing for the fiduciary obligation of trustees; providing that moneys of public pension plans are for the exclusive benefit of eligible employees and their beneficiaries; amending Minnesota Statutes 1982, section 354A.021, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 356.

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	Diessner	Kronebusch	Peterson, C. C.	Sieloff
Belanger	Frank	Laidig	Peterson, D. C.	Spear
Berg	Frederick	Luther	Peterson, D. L.	Storm
Bernhagen	Frederickson	McQuaid	Peterson, R. W.	Stumpf
Bertram	Hughes	Mehrkens	Petty	Taylor
Brataas	Isackson	Merriam	Pogemiller	Ulland
Chmielewski	Johnson, D. J.	Moe, D. M.	Ramstad	Vega
Dahl	Jude	Moe, R. D.	Reichgott	Waldorf
Davis	Kamrath	Nelson	Renneke	Wegscheid
DeCramer	Knutson	Olson	Samuelson	Willet
Dicklich	Kroening	Pehler	Schmitz	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 782: A bill for an act relating to crimes; providing for increases in maximum authorized fines for crimes and petty misdemeanors; amending Minnesota Statutes 1982, sections 609.02, subdivisions 3 and 4; and 609.03; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, sections 609.031 and 609.032.

Mr. Spear moved to amend H.F. No. 782, as amended pursuant to Rule 49, adopted by the Senate May 12, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 795.)

Page 2, line 35, delete "*as of January 1, 1983.*"

Page 3, line 2, after the period, insert "This subdivision does not apply to any felony for which a fine is established or changed by law after January 1, 1983."

The motion prevailed. So the amendment was adopted.

H.F. No. 782 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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.

Mr. Sieloff moved to amend S.F. No. 1151 as follows:

Page 9, after line 26, insert:

"Sec. 9. [STUDY.]

*The commissioner of revenue and the commissioner of economic security shall prepare a report to be given to the chairmen of the senate committees on taxes and tax laws, employment, and governmental operations, and the house committees on taxes, labor-management relations, and governmental operations. The report shall contain recommendations from the commissioners on possible functions of each agency which could be combined or performed jointly to achieve economy in the budgets of the agencies and/or reduce paperwork for taxpayers. The report shall include proposed legislation to accomplish the recommendations of the commissioners. The report shall be submitted by January 15, 1984, to the legislative committee chairmen."*

Page 9, line 28, delete "This act is" and insert "Sections 1 to 8 are"

Page 9, line 29, after the period insert "Section 9 is effective the day after

*final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "requiring a study;"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 1151 as follows:

Page 6, after line 24, insert:

"Sec. 4. Minnesota Statutes 1982, section 290A.03, subdivision 8, is amended to read:

Subd. 8. [CLAIMANT.] "Claimant" means a person, other than a dependent, who filed a claim authorized by sections 290A.01 to 290A.20 and who was domiciled in this state during the calendar year for which the claim for relief was filed. In the case of a claim relating to rent constituting property taxes, the claimant shall have resided in a rented or leased unit on which ad valorem taxes or payments made in lieu of ad valorem taxes, including payments of special assessments imposed in lieu of ad valorem taxes, are payable at some time during the calendar year covered by the claim. "Claimant" shall not include a resident of a nursing home, intermediate care facility, or long term residential facility whose rent constituting property taxes is paid pursuant to the supplemental security income program under Title XVI of the social security act, the Minnesota supplemental aid program under sections 256D.35 to 256D.41, the medical assistance program pursuant to Title XIX of the social security act, or the general assistance medical care program pursuant to section 256D.03, Subdivision 3. If only a portion of the rent constituting property taxes is paid by these programs, the resident shall be a claimant for purposes of this chapter, but the refund calculated pursuant to section 290A.04 shall be multiplied by a fraction, the numerator of which is income as defined in subdivision 3 reduced by the total amount of income from the above sources other than vendor payments under the medical assistance program or the general assistance medical care program and the denominator of which is income as defined in subdivision 3 plus vendor payments under the medical assistance program or the general assistance medical care program, to determine the allowable refund pursuant to this chapter. In the case of a claim for rent constituting property taxes of a part year resident, the income and rental reflected in this computation shall be for the period of Minnesota residency only. Any rental expenses paid which may be reflected in arriving at federal adjusted gross income cannot be utilized for this computation. ~~When two individuals of a household are able to meet the qualifications for a claimant, they may determine among them as to who the claimant shall be. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final. If a homestead property owner was a part year resident, the income reflected in the computation made pursuant to section 290A.04 shall be for the entire calendar year, including income not assignable to Minnesota.~~

*Except as provided in section 290A.05, if a homestead is occupied by two or more renters or joint tenants or tenants in common, who are not husband and wife, the rent or property taxes shall be deemed to be paid equally by*

each, and separate claims shall be filed by each. The income of each shall be his household income for purposes of computing the amount of credit to be allowed.

Sec. 5. Minnesota Statutes 1982, section 290A.03, subdivision 13, is amended to read:

Subd. 13. [PROPERTY TAXES PAYABLE.] "Property taxes payable" means the property tax exclusive of special assessments, penalties, and interest payable on a claimant's homestead before reductions made pursuant to section 273.13, subdivisions 6, 7 and 14a, but after deductions made pursuant to sections 124.2137, 273.115, 273.116, 273.135, 273.139, and 273.1391 in any calendar year. No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income. For homesteads which are manufactured homes as defined in section 168.011, subdivision 8, "property taxes payable" shall also include 23 percent of gross rent paid in the preceding year for the site on which the homestead is located, exclusive of charges for utilities or services. ~~When a homestead is owned by two or more persons as joint tenants or tenants in common, such tenants shall determine between them which tenant may claim the property taxes payable on the homestead. If they are unable to agree, the matter shall be referred to the commissioner of revenue and his decision shall be final.~~ Property taxes are considered payable in the year prescribed by law for payment of the taxes.

In the case of a claim relating to "property taxes payable", the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable and (i) the property must have been classified as homestead property pursuant to section 273.13, subdivisions 6, 7, or 14a on or before June 1 of the year in which the "property taxes payable" were levied; or (ii) the claimant must provide documentation from the local assessor that application for homestead classification has been made prior to July 1 of the year in which the "property taxes payable" were payable and that the assessor has approved the application.

~~For property taxes levied in 1981, payable 1982, "property taxes payable" shall be limited to that portion of the property taxes eligible for the homestead credit as determined pursuant to section 273.13, subdivision 15b.~~

Sec. 6. Minnesota Statutes 1982, section 290A.05, is amended to read:

290A.05 [COMBINED HOUSEHOLD INCOME; *RENTERS AND LESSEES.*]

If a person occupies a homestead with another person or persons not related to the person as husband and wife, excluding dependents, *joint tenants or tenants in common who are also claimants*, roomers or boarders on contract, and has property tax payable with respect to the homestead, the household income of the claimant or claimants for the purpose of computing the refund allowed by section 290A.04 shall include the total income received by the other persons residing in the homestead. If a person occupies a homestead with another person or persons not related as husband and wife or as dependents, *and who are residing at the homestead under rental or lease agree-*

ment, the property tax payable or rent constituting property tax shall be reduced as follows:

If the other person or persons are residing at the homestead under rental or lease agreement, the amount of property tax payable or rent constituting property tax shall be that portion not covered by the rental agreement."

Page 9, line 28, delete "This act is" and insert "Sections 1 to 3 and 7 to 11 are"

Page 9, line 29, after the period insert "Sections 4 to 6 are effective for claims based on property taxes payable in 1984 and thereafter."

Amend the title as follows:

Page 1, line 5, after the semicolon insert "providing for apportionment of property taxes payable with respect to certain claims for property tax refunds;"

Page 1, line 7, after "15;" insert "290A.03, subdivisions 8 and 13; 290A.05;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1151 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Novak	Reichgott
Anderson	DeCramer	Kroening	Olson	Schmitz
Belanger	Diessner	Kronebusch	Pehler	Sieloff
Benson	Frank	Laidig	Peterson, C.C.	Solon
Berg	Frederickson	Lantry	Peterson, D.C.	Stumpf
Berglin	Hughes	Luther	Peterson, D.L.	Taylor
Bertram	Isackson	McQuaid	Petty	Ulland
Brataas	Johnson, D.J.	Merriam	Pogemiller	Vega
Chmielewski	Jude	Moe, R. D.	Purfeerst	Willet
Dahl	Kamrath	Nelson	Ramstad	

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

### SPECIAL ORDER

S.F. No. 619: A bill for an act relating to taxation; providing for a study by the commissioners of revenue and economic security.

Mr. Sieloff moved that S.F. No. 619, No. 43 on Special Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 40 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Schmitz
Belanger	Frederickson	Lantry	Pehler	Sieloff
Berg	Hughes	Luther	Peterson, D.C.	Spear
Bertram	Isackson	McQuaid	Peterson, D.L.	Stumpf
Brataas	Jude	Merriam	Petty	Taylor
Chmielewski	Kamrath	Moe, R. D.	Pogemiller	Ulland
Dahl	Knaak	Nelson	Purfeerst	Vega
Davis	Knutson	Novak	Ramstad	Willet

Those who voted in the negative were:

Anderson  
Berglin

Frank  
Johnson, D.J.

Kroening

Laidig

Peterson, C.C.

The motion prevailed.

### SPECIAL ORDER

S.F. No. 841: A bill for an act relating to commerce; providing for the testing of the ambient air level of formaldehyde in housing; providing approved testing methods; establishing the limits of liability for builders; amending Minnesota Statutes 1982, section 325F.18, by adding subdivisions; repealing Minnesota Statutes 1982, section 325F.18, subdivision 5.

Mr. Petty moved that S.F. No. 841, No. 27 on Special Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

### SPECIAL ORDER

S.F. No. 1041: A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

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 10, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Olson	Sieloff
Anderson	Diessner	Knutson	Peterson, D.C.	Stumpf
Belanger	Frank	Kronebusch	Peterson, D.L.	Ulland
Berg	Frederick	Laidig	Petty	Vega
Bernhagen	Frederickson	Langseth	Purfeerst	Wegscheid
Bertram	Hughes	Lessard	Ramstad	
Brataas	Isackson	McQuaid	Reichgott	
Chmielewski	Johnson, D.E.	Moe, D. M.	Renneke	
Dahl	Jude	Novak	Schmitz	

Those who voted in the negative were:

Davis	Knaak	Luther	Pehler	Spear
DeCramer	Kroening	Merriam	Peterson, R.W.	Waldorf

So the bill passed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Frank moved that the following members be excused for a Conference Committee on H.F. No. 77 at 4:00 p.m.:

Messrs. Frank, Purfeerst, Lessard, Knaak and Spear. The motion prevailed.

### SPECIAL ORDER

H.F. No. 435: A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration in certain instances; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

Mr. Peterson, R.W. moved to amend H.F. No. 435, as amended pursuant to Rule 49, adopted by the Senate May 12, 1983, as follows:

(The text of the amended House File is identical to S.F. No. 483.)

Page 3, line 22, after "*convicted of*" insert "*a second or subsequent offense of*"

Page 3, line 24, after "*(a),*" insert "*committed*"

The motion prevailed. So the amendment was adopted.

H.F. No. 435 was then progressed.

### SPECIAL ORDER

H.F. No. 765: A bill for an act relating to insurance; permitting differing benefit payments for services by designated health care providers; amending Minnesota Statutes 1982, section 72A.20, subdivision 15.

Mr. Diessner moved that the amendment made to H.F. No. 765 by the Committee on Rules and Administration in the report adopted May 11, 1983, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Diessner then moved to amend H.F. No. 765 as follows:

Page 2, line 11, delete "*annually*" and insert "*on or before August 1 of each year*"

Page 2, line 15, delete "*annually*" and insert "*on or before August 1 of each year*"

The motion prevailed. So the amendment was adopted.

H.F. No. 765 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Peterson, C.C.	Sieloff
Anderson	Dieterich	Kronebusch	Peterson, D.C.	Storm
Berg	Frederickson	Langseth	Peterson, D.L.	Stumpf
Bertram	Freeman	Luther	Peterson, R.W.	Ulland
Brataas	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, R. D.	Reichgott	
Davis	Kamrath	Novak	Renneke	
DeCramer	Knutson	Pehler	Samuelson	

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

The question recurred on H.F. No. 435.

### SPECIAL ORDER

H.F. No. 435: A bill for an act relating to crimes; establishing degrees of burglary; prescribing penalties; providing mandatory terms of incarceration



in certain instances; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

H.F. No. 435 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Frederick	Laidig	Peterson, C.C.	Sieloff
Anderson	Frederickson	Langseth	Peterson, D.C.	Spear
Berg	Freeman	Luther	Peterson, D.L.	Storm
Bertram	Isackson	McQuaid	Peterson, R.W.	Stumpf
Brataas	Johnson, D.E.	Mehrkens	Petty	Vega
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Kamrath	Moe, R. D.	Reichgott	
DeCramer	Knutson	Novak	Renneke	
Diessner	Kroening	Olson	Samuelson	
Dieterich	Kronebusch	Pehler	Schmitz	

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

### SPECIAL ORDER

S.F. No. 1241: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Olson	Renneke
Anderson	Frederickson	Laidig	Pehler	Samuelson
Berg	Freeman	Langseth	Peterson, C.C.	Schmitz
Bertram	Isackson	Luther	Peterson, D.C.	Sieloff
Brataas	Johnson, D.E.	McQuaid	Peterson, D.L.	Storm
Dahl	Jude	Mehrkens	Peterson, R.W.	Stumpf
Davis	Kamrath	Merriam	Petty	Ulland
DeCramer	Knutson	Moe, R. D.	Ramstad	Wegscheid
Diessner	Kroening	Novak	Reichgott	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 492: A bill for an act relating to financial institutions; regulating certain acquisitions by bank holding companies; defining terms; prescribing limitations; proposing new law coded in Minnesota Statutes, chapter 47.

### CALL OF THE SENATE

Ms. Peterson, D.C. imposed a call of the Senate for the balance of the proceedings on S.F. No. 492. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Luther moved that S.F. No. 492, No. 18 on Special Orders, be stricken

and re-referred to the Committee on Economic Development and Commerce.

The question was taken on the adoption of the motion.

Ms. Peterson, D.C. moved that those not voting be excused from voting. The motion did not prevail.

The roll was called, and there were yeas 24 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Isackson	McQuaid	Peterson, D.L.	Solon
Brataas	Johnson, D.E.	Mehrkens	Petty	Storm
DeCramer	Kamrath	Merriam	Ramstad	Ulland
Diessner	Knutson	Moe, R. D.	Schmitz	Waldorf
Freeman	Luther	Olson	Sieloff	

Those who voted in the negative were:

Adkins	Davis	Jude	Pehler	Stumpf
Belanger	Dicklich	Kroening	Peterson, C.C.	Vega
Berg	Dieterich	Laidig	Peterson, D.C.	Wegscheid
Bernhagen	Frederick	Langseth	Peterson, R.W.	Willet
Bertram	Frederickson	Moe, D. M.	Reichgott	
Chmielewski	Hughes	Nelson	Renneke	
Dahl	Johnson, D.J.	Novak	Samuelson	

The motion did not prevail.

Ms. Peterson, D.C., for Mr. Benson, moved to amend S.F. No. 492 as follows:

Page 3, delete lines 19 to 21

The motion prevailed. So the amendment was adopted.

Mr. Petty moved to amend S.F. No. 492 as follows:

Page 3, after line 18, insert:

*"This section does not apply if the commissioner has determined that the merger, consolidation, or purchase of assets and assumption of liabilities is necessary and in the public interest to prevent the probable failure of a state bank or national banking association."*

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. moved to amend S.F. No. 492 as follows:

Page 2, line 35, after "indirectly" insert "(a)"

Page 3, line 1, after "bank" insert ", or (b) establish or operate, through a banking subsidiary, any office or branch separate from the main banking house,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 48, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Kroening	Peterson, D.C.	Willet
Bertram	Davis	Novak	Stumpf	

Those who voted in the negative were:

Anderson	Frederick	Kronebusch	Pehler	Schmitz
Benson	Frederickson	Laidig	Peterson, C.C.	Sieloff
Berg	Freeman	Langseth	Peterson, D.L.	Solon
Bernhagen	Isackson	Lessard	Peterson, R.W.	Spear
Brataas	Johnson, D.E.	Luther	Petty	Storm
Chmielewski	Johnson, D.J.	McQuaid	Purfeerst	Ulland
DeCramer	Jude	Mehrkens	Ramstad	Vega
Diessner	Kamrath	Merriam	Reichgott	Wegscheid
Dieterich	Knaak	Moe, R. D.	Renneke	
Frank	Knutson	Olson	Samuelson	

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

S.F. No. 492 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Nelson	Renneke
Belanger	Dicklich	Kamrath	Novak	Samuelson
Benson	Diessner	Kroening	Pehler	Solon
Berg	Frank	Kronebusch	Peterson, C.C.	Stumpf
Bernhagen	Frederick	Laidig	Peterson, D.C.	Vega
Bertram	Frederickson	Langseth	Peterson, D.L.	Wegscheid
Chmielewski	Hughes	Lantry	Peterson, R.W.	Willet
Dahl	Isackson	Lessard	Purfeerst	
Davis	Johnson, D.J.	Moe, D. M.	Reichgott	

Those who voted in the negative were:

Anderson	Knaak	Merriam	Schmitz	Waldorf
Brataas	Knutson	Moe, R. D.	Sieloff	
Dieterich	Luther	Olson	Spear	
Freeman	McQuaid	Petty	Storm	
Johnson, D.E.	Mehrkens	Ramstad	Ulland	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### CONFIRMATION

With the unanimous consent of the Senate, Mr. Chmielewski moved that the report from the Committee on Employment, reported May 17, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Chmielewski moved that the foregoing report be now adopted. The motion prevailed.

Mr. Chmielewski moved that in accordance with the report from the Committee on Employment, reported May 17, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

### DEPARTMENT OF LABOR AND INDUSTRY

#### COMMISSIONER

Steve Keefe, 334 East 44th Street, Minneapolis, Hennepin County, effec-

tive January 3, 1983, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

### CONFIRMATION

Mr. Johnson, D.J. moved that the report from the Committee on Taxes and Tax Laws, reported May 12, 1983, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Johnson, D.J. moved that the foregoing report be now adopted. The motion prevailed.

Mr. Johnson, D.J. moved that in accordance with the report from the Committee on Taxes and Tax Laws, reported May 12, 1983, the Senate, having given its advice, do now consent to and confirm the appointment of:

### TAX COURT

Earl B. Gustafson, 984 Ashland Avenue, St. Paul, Ramsey County, effective February 19, 1983, for a term expiring the first Monday in January, 1989.

The motion prevailed. So the appointment was confirmed.

### RECONSIDERATION

Mr. Chmielewski moved that the vote whereby H.F. No. 575 failed to pass the Senate on May 16, 1983, be now reconsidered. The motion prevailed.

Mr. Chmielewski moved that H.F. No. 575 be laid on the table. The motion prevailed.

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

### MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 415: A bill for an act relating to state government; providing for salaries for constitutional officers, agency heads, metropolitan agency heads, and certain judicial positions; providing an expense allowance; establishing a compensation council; limiting local government salaries; prohibiting cash payments for accumulated vacation pay; expanding the authority of the commissioner of employee relations to set salaries; requiring the governor to recommend certain salaries; removing salary setting authority of certain state agencies; removing additional compensation for the career executive service; requiring the percentage of women in the career executive service to be increased; ratifying state and University of Minnesota labor agreements, compensation plans, and plans for early retirement incentives; amending Minnesota Statutes 1982, sections 3.855, subdivision 3; 3.922,

subdivision 5; 15A.081, subdivisions 1, 6, and 7, and by adding a subdivision; 15A.083, subdivisions 1, 2, and 4; 43A.17, by adding subdivisions; 43A.18, subdivisions 3, 4, and 5; 43A.21, by adding a subdivision; 105.71, subdivision 2; 136.034; 136A.03; 179.741, subdivision 1; 244.09, subdivision 10; 256.482, subdivision 2; 298.22, subdivision 1; 326.241, subdivision 2; 352.03, subdivision 4; 354.06, subdivision 2; 484.68, subdivision 6; and Laws 1980, chapter 564, article XII, section 1, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1982, sections 16A.16; 136.063; and 136A.035.

Senate File No. 415 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 17, 1983

Mr. Moe, D.M. moved that the Senate do not concur in the amendments by the House to S.F. No. 415, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 90, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 90 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 17, 1983

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 90

A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

May 13, 1983

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 90, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 90 be further amended as follows:

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

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

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 1982, section 65B.133, subdivision 5, is amended to read:

Subd. 5. [LIMITATION ON CHARGEABLE TRAFFIC VIOLATIONS.] No traffic violation is chargeable to a driver unless the driver is convicted of, or forfeits bail for, the offense, or the driver's license is revoked pursuant to section 169.123. If a surcharge is applied because bail is forfeited and if the driver is later acquitted of the offense, the insurer shall rebate the surcharge. *A violation of section 169.685, subdivision 5 is not chargeable.*"

Renumber section 2 as section 3

Further amend the title as follows:

Page 1, line 6, delete "section" and insert "sections 65B.133, subdivision 5; and"

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

House Conferees: (Signed) Wes Skoglund, Carolyn Rodriguez, William Schreiber

Senate Conferees: (Signed) Marilyn M. Lantry, Don Frank, Gary W. Laidig

Mrs. Lantry moved that the foregoing recommendations and Conference Committee Report on H.F. No. 90 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, sections 65B.133, subdivision 5; and 169.685, subdivision 5.

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

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

The roll was called, and there were yeas 38 and nays 17, as follows:

Those who voted in the affirmative were:

Brataas	Freeman	Lessard	Peterson, R. W.	Spear
Dahl	Johnson, D.E.	Luther	Petty	Storm
Davis	Jude	McQuaid	Pogemiller	Ulland
DeCramer	Knaak	Merriam	Purfeerst	Vega
Dicklich	Kroening	Moe, R. D.	Reichgott	Wegscheid
Diessner	Kronebusch	Novak	Schmitz	Willet
Frank	Laidig	Pehler	Sieloff	
Frederick	Langseth	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Bernhagen	Isackson	Olson	Stumpf
Belanger	Bertram	Kamrath	Peterson, D.L.	
Benson	Chmielewski	Knutson	Ramstad	
Berg	Frederickson	Mehrkins	Renneke	

So the bill, as amended by the Conference Committee, 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 adopted the recommendation and report of the Conference Committee on House File No. 218, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 218 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 17, 1983

### CONFERENCE COMMITTEE REPORT ON 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.

May 13, 1983

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 218, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and House File No. 218 be amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### RIGHTS OF VICTIMS OF CRIMES

#### GENERAL RIGHTS

#### 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;*

*(b) "Victim" means a natural person who incurs loss or harm as a result of a crime. If the victim is deceased, "victim" means the deceased's surviving spouse or next of kin; and*

*(c) "Juvenile" has the same meaning as given to the term "child" in section 260.015, subdivision 2.*

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

*The commissioner of corrections, in cooperation with 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] [PLEA AGREEMENTS; NOTIFICATION.]

*Subdivision 1. [PLEA AGREEMENTS; NOTIFICATION OF VICTIM.] Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:*

*(a) The contents of the plea agreement recommendation; and*

*(b) His right to be present at the sentencing hearing and to express in writing any objection he has to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated his objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.*

*Subd. 2. [NOTIFICATION DUTIES.] A prosecuting attorney satisfies the requirements of subdivision 1 by notifying:*

*(a) The victim's legal guardian or guardian ad litem; or*

*(b) The three victims the prosecuting attorney believes to have suffered the most, if there are more than three victims of the offense.*

*Subd. 3. [APPLICABILITY.] The provisions of this section apply to crimes which are violations of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.224, 609.24, 609.245, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.3641, 609.3642, 609.3643, 609.3644, 609.365, 609.498, 609.561, 609.58, clauses (1)(b) and (2), and 609.687.*

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

*Subdivision 1. [REQUEST; DECISION.] A victim of a crime 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 request for restitution shall be made by the victim in writing in affidavit form, describing the items or elements of loss and itemizing the total dollar amounts of restitution claimed, and the reasons justifying these amounts, if the request is for monetary or property restitution. In order to be considered by the court, the request must be received by the clerk of the appropriate court at least three business days before the sentencing or dispositional hearing. The clerk of court shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.*

*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.*

*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.06] [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.*

**Sec. 6. [INSTRUCTION TO REVISOR.]**

*In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber each section specified in Column A with the number set forth in Column B.*

*In addition, the revisor of statutes shall make necessary cross-reference changes consistent with renumbering required by this section.*

Column A	Column B
Minnesota Statutes 1982 Section 645.23	Section 611A.05 VICTIM PROGRAMS PROGRAM TO AID VICTIMS OF SEXUAL ATTACK
Section 241.51	Section 611A.21
Section 241.52	Section 611A.22
Section 241.53	Section 611A.23

Section 241.61  
 Section 241.62  
 Section 241.63  
 Section 241.64  
 Section 241.65  
 Section 241.66

#### BATTERED WOMEN

Section 611A.31  
 Section 611A.32  
 Section 611A.33  
 Section 611A.34  
 Section 611A.35  
 Section 611A.36

#### VICTIM AGENCIES

#### CRIME VICTIM CRISIS CENTER

Section 241.55  
 Section 241.56  
 Section 241.57  
 Section 241.58

Section 611A.41  
 Section 611A.42  
 Section 611A.43  
 Section 611A.44

#### CRIME VICTIMS

#### REPARATIONS BOARD

Section 299B.01  
 Section 299B.02  
 Section 299B.03  
 Section 299B.04  
 Section 299B.05  
 Section 299B.06  
 Section 299B.07  
 Section 299B.071  
 Section 299B.08  
 Section 299B.09  
 Section 299B.10  
 Section 299B.11  
 Section 299B.12  
 Section 299B.13  
 Section 299B.14  
 Section 299B.15  
 Section 299B.16  
 Section 299B.17

Section 611A.51  
 Section 611A.52  
 Section 611A.53  
 Section 611A.54  
 Section 611A.55  
 Section 611A.56  
 Section 611A.57  
 Section 611A.58  
 Section 611A.59  
 Section 611A.60  
 Section 611A.61  
 Section 611A.62  
 Section 611A.63  
 Section 611A.64  
 Section 611A.65  
 Section 611A.66  
 Section 611A.67  
 Section 611A.68

### 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 consent 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.*

*For the purposes of this section, "victim" has the meaning given to it in article 1, section 1.*

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) the time and place of the sentencing or juvenile court disposition and his right to be present; 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 5 and 6" and insert "subdivision 5"

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

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

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

House Conferees: (Signed) Randy C. Kelly, Richard J. Cohen, David T. Bishop

Senate Conferees: (Signed) Ronald R. Dicklich, Gene Merriam, Fritz Knaak

Mr. Dicklich moved that the foregoing recommendations and Conference Committee Report on H.F. No. 218 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 218: A bill for an act relating to crimes; expanding the rights of victims of crime; 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, subdivision 5; 243.23, subdivision 3; 609.115, subdivision 1, and by adding subdivisions; 609.498; and 631.425, subdivision 5; proposing new law coded as Minnesota Statutes, chapter 611A.

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

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, 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 adopted the recommenda-

tion and report of the Conference Committee on House File No. 610, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 610 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 17, 1983

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 610

A bill for an act relating to financial institutions; industrial loan and thrift companies; regulated loans; enlarging the group of institutions which may utilize electronic fund transfer facilities; modifying the capital and reserve limitation on loans by industrial loan and thrift companies; permitting loan and thrifts and regulated lenders to take discount points in certain circumstances; authorizing loan and thrifts to receive savings accounts and savings deposits subject to certain prescribed conditions; regulating loan splitting; eliminating the receipt requirement for money orders; standardizing certain penalties; excepting loan and thrifts and regulated lenders from the licensing requirements for real estate brokers and salespersons; amending Minnesota Statutes 1982, sections 47.61, subdivision 4; 47.64, subdivision 1; 48.196; 53.03, subdivision 5; 53.04, subdivisions 3a and 5; 53.05; 53.07, subdivision 2; 53.10; 56.131, subdivision 3, and by adding a subdivision; 56.14; 56.19, subdivision 1; 80A.15, subdivision 1; and 82.18; repealing Minnesota Statutes 1982, section 56.19, subdivision 2.

May 13, 1983

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 610, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 610 be further amended as follows:

Page 4, line 35, after "estate" insert "*and that is in a principal amount of \$7,500 or more and a maturity of 60 months or more*"

Page 5, line 6, delete "*yield on the original loan*" and insert "*maximum rate of interest provided by this subdivision when the prepayment is taken into account*"

Page 8, line 31, after "estate" insert "*and that is in a principal amount of \$7,500 or more and has a maturity of 60 months or more*"

Page 9, line 2, delete "*yield on the original*"

Page 9, line 3, delete "*loan*" and insert "*maximum rate of interest provided by this section when the prepayment is taken into account*"

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

House Conferees: (Signed) Thomas R. Berkelman, James I. Rice, James

Metzen

Senate Conferees: (Signed) Darril Wegscheid, Duane D. Benson, Sam G. Solon

Mr. Wegscheid moved that the foregoing recommendations and Conference Committee Report on H.F. No. 610 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 610 was read the third time as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 47 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Frederick	Langseth	Peterson, D.L.	Solon
Benson	Frederickson	Lantry	Peterson, R.W.	Storm
Berg	Freeman	Lessard	Petty	Stumpf
Bernhagen	Isackson	Luther	Pogemiller	Ulland
Bertram	Johnson, D.E.	McQuaid	Purfeerst	Vega
Brataas	Jude	Mehrkens	Ramstad	Wegscheid
Dahl	Kamrath	Merriam	Reichgott	
Davis	Knaak	Moe, R. D.	Renneke	
DeCramer	Knutson	Olson	Schmitz	

Those who voted in the negative were:

Chmielewski	Frank	Moe, D. M.	Spear	Willet
Dicklich	Kroening			

So the bill, as amended by the Conference Committee, 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 adopted the recommendation and report of the Conference Committee on House File No. 582, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 582 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 17, 1983

### CONFERENCE COMMITTEE REPORT ON 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 misdemeanant probations; removing ar-



chaic 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.

May 16, 1983

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

We, the undersigned conferees for H.F. No. 582, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 582 be further amended as follows:

Page 1, line 28, after "inmates" insert a period and strike "or" and insert "*Inmates may*"

Page 1, line 29, strike the first "any" and insert "an"

Page 1, line 29, after "position" insert "*subordinate to correctional staff*"

Page 2, line 2, delete "without" and insert "with"

Page 5, line 14, strike everything after "himself"

Page 5, line 15, strike everything before the period and insert "*by the use of force*"

Page 5, line 17, strike "or to resist" and insert "resists"

Page 5, line 18, strike the second "or"

Page 5, line 19, after "or" insert "attempts"

Page 5, line 20, strike "in" and delete "any" and strike "manner"

Page 5, line 21, delete the new language and strike "necessary; and," and insert "*by the use of force.*" and strike "in so doing,"

Page 5, line 22, strike "so"

Page 5, line 23, strike "necessarily" and after "the" insert "*use of force by the*"

Page 5, line 25, delete "*subdivision*" and insert "section"

Page 5, after line 25, insert:

"As used in this section, "*use of force*" means conduct which is authorized by sections 609.06 to 609.066. An officer or guard may use force in the same manner as authorized for peace officers under sections 609.06 to 609.066."

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

House Conferees: (Signed) Randy C. Kelly, Janet Clark, David T. Bishop

Senate Conferees: (Signed) Lawrence J. Pogemiller, Donna C. Peterson

Mr. Pogemiller moved that the foregoing recommendations and Confer-

ence Committee Report on H.F. No. 582 be now adopted and that the bill be repassed as amended by the Conference Committee.

Mr. Laidig moved that the recommendations and Conference Committee Report on H.F. No. 582 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration. The motion did not prevail.

The question recurred on the motion of Mr. Pogemiller. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 582 was read the third time as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 36 and nays 27, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	Moe, D. M.	Petty	Taylor
Chmielewski	Knutson	Moe, R. D.	Pogemiller	Vega
Dahl	Kroening	Nelson	Purfeerst	Waldorf
Davis	Langseth	Novak	Reichgott	Willet
DeCramer	Lantry	Pehler	Schmitz	
Dicklich	Lessard	Peterson, C.C.	Solon	
Dieterich	Luther	Peterson, D.C.	Spear	
Frank	Merriam	Peterson, R.W.	Stumpf	

Those who voted in the negative were:

Anderson	Brataas	Jude	Mehrkens	Storm
Belanger	Diessner	Kamrath	Olson	Ulland
Benson	Frederick	Knaak	Peterson, D.L.	Wegscheid
Berg	Frederickson	Kronebusch	Ramstad	
Bernhagen	Isackson	Laidig	Renneke	
Bertram	Johnson, D.E.	McQuaid	Sieloff	

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

### MEMBERS EXCUSED

Mr. Langseth was excused from the Session of today from 12:00 noon to 1:30 p.m. Mr. Laidig was excused from the Session of today from 12:00 noon to 1:10 p.m. Mr. Bernhagen was excused from the Session of today from 4:00 to 5:00 p.m. Mr. Dieterich was excused from the Session of today from 2:00 to 4:00 p.m. Mrs. Adkins was excused from the Session of today at 6:10 p.m. Ms. Reichgott was excused from the Session of today at 6:30 p.m.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 40, Mr. Benson moved that S.F. No. 259 be recalled from the Committee on Judiciary and placed on General Orders.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon,

Wednesday, May 18, 1983.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 33 and nays 24, as follows:

Those who voted in the affirmative were:

Berglin	Diessner	Luther	Peterson, D.C.	Spear
Bertram	Frank	Merriam	Peterson, R. W.	Vega
Chmielewski	Freeman	Moe, R. D.	Petty	Waldorf
Dahl	Jude	Nelson	Pogemiller	Wegscheid
Davis	Kroening	Novak	Reichgott	Willet
DeCramer	Langseth	Pehler	Schmitz	
Dicklich	Lantry	Peterson, C.C.	Solon	

Those who voted in the negative were:

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

The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate