

SEVENTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, April 10, 1984

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

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 9, 1984

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1475.

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 7, 1041 and 1139.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1984

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1010, 1835, 1850, 2162, 1420, 1425, 1663, 1700, 1886, 2047, 2238, 1393, 1814, 1815, 756, 1550, 1553, 1466, 1507, 1533, 1703, 1722, 1781, 1939, 1824, 1273, 1436, 1445 and 1446.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 9, 1984

FIRST READING OF HOUSE BILLS

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

H.F. No. 1010: A bill for an act relating to the city of Thief River Falls; changing restrictions on filing and recording certain conveyances.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2179.

H.F. No. 1835: A bill for an act relating to transportation; allowing prepayment of state contractual obligations to governmental subdivisions under agreements for the construction, improvement, or maintenance of trunk highways; amending Minnesota Statutes 1982, section 16A.41, subdivision 1, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1334, now on Special Orders.

H.F. No. 1850: A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality; amending Minnesota Statutes 1982, sections 297A.25, subdivision 4; and 609.341, subdivision 11; repealing Minnesota Statutes 1982, section 238.07.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2040, now on Special Orders.

H.F. No. 2162: A bill for an act relating to Minnesota Statutes; providing for the replacement of gender-specific references with neutral or equal references to gender; imposing duties on the revisor of statutes and other legislative staff; setting goals; providing for the accomplishment of goals within existing resources.

Referred to the Committee on Judiciary.

H.F. No. 1420: A bill for an act relating to public employment; regulating grievances of disciplinary actions; amending Minnesota Statutes 1983 Supplement, section 179.70, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1987, now on Special Orders.

H.F. No. 1425: A bill for an act relating to agriculture; providing for alter-

native methods for establishing the value of milk purchased from producers; amending Minnesota Statutes 1982, section 32.25, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1450, now on Special Orders.

H.F. No. 1663: A bill for an act relating to agriculture; making certain changes in apiary law; amending Minnesota Statutes 1983 Supplement, sections 19.55; 19.56; 19.57; 19.58, subdivisions 1 and 2; 19.64, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1983 Supplement, section 19.58, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1649.

H.F. No. 1700: A bill for an act relating to insurance; increasing replacement service loss benefits in no-fault auto insurance; amending Minnesota Statutes 1982, section 65B.44, subdivision 5.

Referred to the Committee on Economic Development and Commerce.

H.F. No. 1886: A bill for an act relating to the dissemination and collection of data; welfare data; providing for the release of information in emergencies; classifying investigative data not on individuals; classifying certain licensing data; establishing procedures for the handling of medical data; amending Minnesota Statutes 1982, section 13.46, subdivisions 3, 4, 5, and 6; and Minnesota Statutes 1983 Supplement, section 13.46, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1480, now on Special Orders.

H.F. No. 2047: A bill for an act relating to transportation; authorizing the expenditure of county turnback account funds and state transportation bond funds for bridges ten feet or more in length following replacement; amending Minnesota Statutes 1982, section 174.50, subdivision 7; and Minnesota Statutes 1983 Supplement, section 161.082, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1967, now on Special Orders.

H.F. No. 2238: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Koochiching County; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2061, now on Special Orders.

H.F. No. 1393: A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational-technical education, the state director of vocational-technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; modifying the vocational instructional aid payment formula; establishing a schools of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the

planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 121.908, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 122.532, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.565, subdivision 7; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; Minnesota Statutes 1983 Supplement, sections 120.17, subdivision 3b; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and 10; 124.201, subdivisions 2, 4, and 5; 124.2122; 124.2126, subdivision 3; 124.2138; 124.271, subdivision 2b; 124.5615, subdivision 5; 124.5629; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14, subdivision 1; 124A.16, subdivision 4; 125.032, subdivision 2; 129B.32, subdivision 3; 129B.36, by adding a subdivision; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 466.06; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.32, subdivisions 1a, 1e, and 2a; 125.60, subdivision 2a; and 275.125, subdivision 2g; and Minnesota Statutes 1983 Supplement, sections 124.32, subdivision 5a; and 275.125, subdivisions 2i and 2j.

Referred to the Committee on Finance.

H.F. No. 1814: A bill for an act relating to taxation; clarifying certain property tax credit provisions; providing that amounts to pay certain certificates are a special levy; providing for deduction of taconite aids from levy limit base; simplifying iron ore valuation hearing requirements; altering the process for determining flexible homestead brackets; allowing for the rounding of amounts of special assessments on tax statements; changing the date for the issuance of warrants for delinquent personal property taxes; providing for additional administrative procedures for cigarette tax collection; requiring annual payment of occupation taxes; changing payment method for production taxes; adopting certain procedures relating to liquor tax collections; authorizing county treasurers to charge for dishonored checks; amending Minnesota Statutes 1982, sections 273.1104, subdivision 2; 277.03; 298.09, subdivision 2; 298.27; 298.282, subdivision 3; 340.601; Minnesota Statutes 1983 Supplement, sections 124.2137, subdivision 1; 273.13, subdivision 7; 273.1311; 273.1315; 275.50, subdivision 5; 275.51, subdivision 3i; and 276.04; proposing new law coded in Minnesota Statutes, chapters 297; 340; and 385; repealing Minnesota Statutes 1982, sections 298.045; 298.046; 298.047; and 298.048.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1551, now on Special Orders.

H.F. No. 1815: A bill for an act relating to taxation; property; eliminating obsolete language; making technical changes; and repealing obsolete provisions; amending Minnesota Statutes 1982, sections 272.02, subdivisions 2,

3, and 5; 272.20; 272.21; 272.32; 272.37; 272.64; 273.05, subdivision 1; 273.061, subdivision 2; 273.08; 273.1105, subdivision 5; 273.111, subdivisions 8 and 11; 273.115, subdivision 5; 273.116, subdivisions 1 and 5; 273.13, subdivisions 7a, 15a, and 19; 273.135, subdivision 3; 273.1391, subdivision 3; 273.22; 275.02; 275.49; 275.51, subdivisions 1 and 4; 360.037, subdivision 2; 373.31, subdivision 2; 375.167, subdivision 1; 473F.02, subdivision 3; 473H.10, subdivision 3; 475.53, subdivisions 1, 3, and 5; Minnesota Statutes 1983 Supplement, sections 272.02, subdivision 1; 273.115, subdivision 1; 273.13, subdivisions 6, 7, 7d, and 14a; 273.138, subdivision 6; 507.235, subdivision 2; repealing Minnesota Statutes 1982, sections 270.90; 272.34; 272.35; 272.36; 272.61; 272.62; 272.63; 272.66; 273.04; 273.111, subdivision 8a; 273.13, subdivision 14; 273.27; 273.56; 275.09; 275.091; 275.161; 275.23; 275.44; 275.45; 275.46; 275.47; 368.86; and 382.19.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 756: A bill for an act relating to notaries public; changing the term of office; increasing the required bond amount; authorizing appointment of out-of-state notaries; requiring designation of the clerk of district court of the county in which appointment is sought as agent for out-of-state notaries; amending Minnesota Statutes 1982, sections 359.01; and 359.02.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2173.

H.F. No. 1550: A bill for an act relating to retirement; public employees retirement association; vesting period for certain public hospital employees; amending Minnesota Statutes 1982, section 353.34, by adding a subdivision.

Referred to the Committee on Governmental Operations.

H.F. No. 1553: A bill for an act relating to metropolitan government; prescribing the authority of watershed management organizations and local government units; providing procedures for boundary changes and termination of watershed districts; amending Minnesota Statutes 1982, sections 112.37, subdivision 7; 112.42, subdivision 3; 473.876, subdivision 9; 473.877; 473.878, subdivisions 2, 3, 4, and by adding a subdivision; and 473.882, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 473.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1554, now on Special Orders.

H.F. No. 1466: A bill for an act relating to courts; providing procedures for collection of conciliation court judgments; requiring conciliation court clerks to explain procedures of conciliation court to litigants and to assist them in filling out forms; amending Minnesota Statutes 1982, sections 488A.13, subdivision 2; 488A.16, subdivision 8; 487.30, by adding subdivisions; 488A.30, subdivision 2; and 488A.33, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1285, now on Special Orders.

H.F. No. 1507: A bill for an act relating to taxation; deed tax; exempting certain partitions; amending Minnesota Statutes 1982, section 287.22.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1533: A bill for an act relating to health; authorizing the board of dentistry to adopt rules relating to special training and education of dentists; amending Minnesota Statutes 1982, section 150A.04, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1557, now on Special Orders.

H.F. No. 1703: A bill for an act relating to local government; authorizing joint exercise of police powers; amending Minnesota Statutes 1982, section 471.59, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1771, now on Special Orders.

H.F. No. 1722: A bill for an act relating to crimes; changing the limitation period for certain criminal sexual conduct offenses; amending Minnesota Statutes 1982, section 628.26.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1833, now on Special Orders.

H.F. No. 1781: A bill for an act relating to taxes; clarifying the consequences of certain conveyances of tax-forfeited land; amending Minnesota Statutes 1982, section 282.01, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1411, now on the Calendar.

H.F. No. 1939: A bill for an act relating to commerce; removing preference for Minnesota made materials in state purchasing; clarifying definition of public contract for resident preference; amending Minnesota Statutes 1982, section 16.365; Minnesota Statutes 1983 Supplement, section 16.0721; repealing Minnesota Statutes 1982, section 16.073; Minnesota Statutes 1983 Supplement, section 16.072; and Laws 1983, chapter 336, section 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2153.

H.F. No. 1824: A bill for an act relating to transportation; authorizing vending machines in rest areas, tourist information centers and weigh stations on certain highways; providing for installation of drain tile along or across highways; delineating debt collection authority of the department of transportation; providing for the erection of certain signs by counties; permitting restaurants to be included on specific service signs; providing for the clustering and spacing of specific service signs; directing the commissioner of transportation to establish a sign franchise program for the placement of advertising logos on the right-of-way of certain highways; authorizing road authorities to assist each other; redefining "directional signs" for purposes of outdoor advertising control and directing the commissioner of transportation to develop uniform standards for them; reducing a fee; repealing a restriction on the authority of the commissioner of transportation to expend money to acquire or condemn advertising devices; amending Minnesota Statutes 1982, sections 160.08, subdivision 7; 160.20, subdivision 3, and by adding a subdivision; 160.28, by adding a subdivision; 160.283, subdivision 3; 160.285; 160.292; 160.293, subdivisions 1 and 3; 160.295, subdivisions 2 and 3; 161.20, subdivision 4; 161.39, subdivisions 1, 5, and 6; 169.01, by adding a subdivision; 169.14, subdivision 2, and by adding a subdivision;

173.02, subdivision 6; and 173.13, subdivision 7; Minnesota Statutes 1983 Supplement, sections 173.08, subdivision 1; 173.13, subdivision 4; and Laws 1983, chapter 293, section 2, subdivision 4; proposing new law coded in Minnesota Statutes, chapters 160 and 173.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1878, now on Special Orders.

H.F. No. 1273: A bill for an act relating to retirement; salaried firefighters relief associations; providing vesting upon layoff in certain instances; proposing new law coded in Minnesota Statutes, chapter 423A.

Referred to the Committee on Governmental Operations.

H.F. No. 1436: A bill for an act relating to education; deleting the prohibition against rules requiring secondary vocational programs; clarifying some duties of the state boards of education, and vocational education; amending Minnesota Statutes 1982, section 124.573, subdivision 3.

Referred to the Committee on Education.

H.F. No. 1445: A bill for an act relating to crimes; defining aggravated criminal damage to property; amending Minnesota Statutes 1982, section 609.595, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1402, now on Special Orders.

H.F. No. 1446: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motorcycles under certain circumstances; amending Minnesota Statutes 1983 Supplement, section 325F.665, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Vega from the Committee on Energy and Housing, to which was referred

S.F. No. 1960: A bill for an act relating to energy and economic development; energy and economic development authority; adding definitions; clarifying duties and powers of the energy and economic development authority; correcting statutory references; appropriating money; amending Minnesota Statutes 1982, sections 116J.36, subdivisions 3, 4, 6, 8, and by adding a subdivision; 116J.88, as amended; 116J.89, subdivision 4; 116J.90, by adding a subdivision; 116J.91, subdivisions 15, 17, 18, and by adding subdivisions; 474.01, subdivisions 7 and 7a; Minnesota Statutes 1983 Supplement, sections 116J.89, subdivisions 1, 1a, 1b, 1c, 2, 6, and 8; 116J.90, subdivisions 1, 2, 3, 5, and 6; 116J.91, subdivisions 1, 4, 11, 12, 16, 19, and 20; 116J.923, subdivision 7; 116J.924, subdivision 3; 116J.925, subdivisions 1 and 3; 275.125, subdivision 12a; Laws 1983, chapter 323, section 5, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116L; repealing Minnesota Statutes 1983 Supplement, sections 116J.922;

116J.923, subdivisions 2 and 12; and 116J.924, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 116J.88, as amended by Laws 1983, chapter 289, sections 63, 64, 65, 66, 67, 68, and 69, is amended to read:

116J.88 [SMALL BUSINESS FINANCE AGENCY, MINNESOTA ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY; DEFINITIONS.]

Subdivision 1. [SCOPE.] Each term defined in this section has the meaning given it whenever used in sections ~~116J.63 and 116J.88~~ 116J.875 to ~~116J.91~~ 116J.926.

Subd. 2. [AUTHORITY.] "Authority" means the *Minnesota* energy and economic development authority created in section 116J.89.

Subd. 3a. [BUSINESS.] "*Business*" means any person engaged in a trade or business of any nature that is operated for profit or not for profit.

Subd. 4. [ELIGIBLE SMALL BUSINESS.] "Eligible small business" means an enterprise determined by the authority to constitute a small business concern as defined in regulations of the United States small business administration pursuant to United States Code, title 15, sections 631 to 647, as amended from time to time.

Subd. 4a. [PERSON.] "*Person*" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons. "*Person*" includes the plural as well as the singular.

Subd. 5. [TARGETED SMALL BUSINESS.] "Targeted small business" for the purpose of section 116J.90, subdivision 5, means a business ~~entity~~ organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association, or cooperative, which ~~entity~~ *business*:

(a) has 20 or fewer full-time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and

(b) is not at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in its field of operation. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full-time employees and more than \$1,000,000 in annual gross revenues.

"Targeted small business" ~~includes~~ may include a farm business engaged in farming, agricultural production or processing, or storage of agricultural products.

Subd. 6. [FINANCIAL INSTITUTION.] "Financial institution" means a bank, bank or trust company, trust company, mortgage company, *credit union*, mortgage banker, national banking association, savings bank, *savings*

association, savings and loan association, building and loan association, insurance company, securities broker-dealer, financial organizations relating to commercial credit or venture capital, or a lender certified by the secretary of housing and urban development or by the administrator of veterans affairs, or approved or certified by the administrator of the farmers home administration or any other financial or lending institution, whether organized under federal law or the laws of any state of the United States, and whether located within or without this state.

Subd. 6a. [LOANS.] "Loans" means any of the following types of loans: business loans, small business loans, pollution control loans, energy loans, and farm loans.

Subd. 7. [BUSINESS LOAN.] "Business loan" means a loan, other than a pollution control loan, energy loan, or farm loan, to the owner of an eligible small a business for the financing of (a) capital expenditures, on an interim or long-term basis, for the acquisition or improvement of land, acquisition, construction, rehabilitation, removal, or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business, including all facilities of a capital nature useful or suitable for any business engaged in any enterprise promoting employment (or any of the other purposes listed below), including, without limitation, those facilities included within the meaning of the term "project" as defined in section 474.02, subdivisions 1 to 1f and section 474.03, subdivision 4; or

(b) short-term costs of conducting an eligible small business.

Subd. 7a. [FARM LOAN.] "Farm loan" means a loan to a farm business for the acquisition, installation, improvement, construction, rehabilitation, or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business.

Subd. 8. [POLLUTION CONTROL LOAN.] "Pollution control loan" means a loan to an eligible small a business for the acquisition, construction, or improvement of pollution control facilities or operations. Pollution control facilities or operations may include real and personal property likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and real and personal property to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste.

Subd. 9. [FUND FUNDS.] "Fund" "Funds" means the group of funds controlled by the authority, including the economic development fund created by section 116J.89, subdivision 1c, the energy loan insurance fund created by section 116J.924, and the energy development fund created by section 116J.925.

Subd. 10. [ENERGY LOAN.] "Energy loan" means a loan or advance of credit, to finance a "qualified energy project" as defined in this section.

Subd. 11. [SMALL BUSINESS LOAN.] "Small business loan" means a loan to a business that is an "eligible small business" or a "targeted small business" for the financing of (a) capital expenditures on an interim or long-term basis for the acquisition or improvement of land, acquisition, construction, rehabilitation, removal, or improvement of buildings, or the acquisition

and installation of fixtures and equipment useful to conduct a small business, including all facilities of a capital nature useful or suitable for any business engaged in any enterprise promoting employment including, without limitation, those facilities included within the meaning of the term "project" as defined in section 474.02, subdivisions 1 to 1f and section 474.03, subdivision 4; or (b) short-term costs of conducting a small business.

With respect to financing the capital expenditure or facility or short-term costs, if the authority determines that the expenditure, facility, or costs will accomplish one or more of the following purposes: tend to maintain or provide gainful employment opportunities within or for the people of Minnesota; aid, assist, and encourage the economic development or redevelopment of any political subdivision of Minnesota; or maintain or diversify and expand employment promoting enterprise within Minnesota.

Subd. 12. [CONSERVATION.] "Conservation" means a product or system designed to reduce the amount of energy needed for an energy-consuming activity or process. Conservation includes but is not limited to thermal insulation and air infiltration control in buildings, products, or methods that reduce energy consumption for transportation or soil tillage practices, improvements in combustion efficiency or heat transfer efficiency in boilers, furnaces, or direct-fired process heaters, and changes to industrial production equipment that result in lower energy use per unit of output.

Subd. 13. [MUNICIPALITY.] "Municipality" means a city, town, county, school district, special taxing district, or a municipal power agency governed by chapter 453, or a group or combination of those units operating under an agreement to jointly undertake projects authorized by sections 116J.921 to 116J.926.

Subd. 14. [ALTERNATIVE ENERGY RESOURCE.] "Alternative energy resource" means a source of energy available from indigenous Minnesota resources including but not limited to peat, biomass, solar energy, wind, municipal wastes, agricultural or forestry wastes, hydropower, and agricultural crops suitable for conversion to an energy fuel.

Subd. 15. [RENEWABLE ENERGY RESOURCE.] "Renewable energy resource" means a source of energy occurring in Minnesota which, when consumed for energy purposes, is replaced within a matter of days, months, or years by new or additional supplies of the energy source. Renewable energy resources include, but are not limited to, forestry products and forest harvest residues, solar energy, wind energy, waterpower, and agricultural wastes.

Subd. 16. [ENERGY RECOVERY.] "Energy recovery" means the extraction of energy from materials, components, or processes which would normally represent wasted energy resources. Municipal solid wastes, volatile sewer gases, and power plant waste heat, among others, offer the potential for energy recovery.

Subd. 17. [QUALIFIED ENERGY PROJECT.] "Qualified energy project" means acquiring, installing, rehabilitating or constructing land, buildings, capital improvements, or equipment for (1) conservation of energy or use of alternative or renewable energy resources in the operation of a business, (2) recovery or production from alternative or renewable resources of

energy to be sold in the course of business, (3) production for sale in the course of business of equipment for the conservation or recovery of energy or for the use of energy from alternative or renewable resources, or (4) creation of facilities to manufacture or fabricate devices and equipment for the conservation or recovery of energy or to obtain energy from alternative or renewable energy resources, if the equipment is for sale in the course of business.

Sec. 2. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision 1, is amended to read:

Subdivision 1. [CREATION; SUCCESSOR STATUS.] The small business finance agency created by Laws 1980, chapter 547, is renamed the *Minnesota energy and economic development authority* and may act on behalf of the state within the scope of the powers granted to it in sections ~~116J.88~~ *116J.875* to ~~116J.91~~ *116J.926* to implement loan programs and to provide financial assistance under the ~~economic development fund funds~~ by which, the authority alone or in cooperation with cities, towns, counties, and private or public lenders, may provide adequate funds or incentives to financing such as guarantees or insurance on sufficiently favorable terms to assist and encourage the establishment, maintenance, and growth of eligible small businesses ~~and or employment opportunities in Minnesota, and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of eligible small businesses and to improve the efficiency of energy use by businesses and to encourage businesses to provide a reliable and economic supply of energy for use by the state's households, business establishments, and municipalities, through energy conservation, the production or recovery of energy from alternative or renewable energy resources, or the production of equipment or products which conserve, produce, or recover energy.~~

The authority so named is the legal successor in all respects of the small business finance agency as originally named and constituted and all bonds, resolutions, contracts, and liabilities of that original agency are the bonds, resolutions, contracts, and liabilities of the authority as so renamed and reconstituted.

Because of its ability to pool or combine loans to be funded from one or more issues of bonds, whether or not the interest on the bonds is exempt from federal income taxes, the authority will be able to spread its financing costs among the ~~eligible small businesses to which the authority provides financing recipients of its financial assistance, thereby reducing the costs incurred by each eligible small business to the recipients of the authority's financial assistance.~~

Sec. 3. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision 1a, is amended to read:

Subd. 1a. [USE OF ~~ECONOMIC DEVELOPMENT FUND FUNDS.~~] ~~In addition,~~ The authority may use the *energy loan insurance fund* as provided in section 116J.924. The authority may use the economic development fund in connection with small business loans, pollution control loans, and farm loans to provide financial assistance to eligible small businesses; it may use the economic development fund in connection with business loans when the loans are made as a part of the special assistance program under section

116J.90, subdivision 5a; and the authority may use the energy development fund in connection with energy loans to provide financial assistance to businesses; as follows:

(a) to provide loan guarantees or insurance, in whole or in part, to ~~eligible small~~ businesses in connection with business loans, *small business loans*, *energy loans*, *farm loans*, or pollution control loans;

(b) to provide direct loans to ~~eligible small~~ businesses in connection with business loans, *small business loans*, *energy loans*, *farm loans*, or pollution control loans;

(c) to participate in other investment programs as appropriate under the terms of sections 116J.65, 116J.67, ~~116J.88~~ 116J.875 to ~~116J.94~~ 116J.926, and chapters 472 and 474;

(d) to purchase loan packages made to ~~eligible small~~ businesses by financial institutions in the state in connection with business loans, *small business loans*, *energy loans*, *farm loans*, or pollution control loans;

(e) to enter into or to pay fees on insurance contracts, letters of credit, municipal bond insurance, surety bonds, or similar obligations and other agreements or contracts with financial institutions *or providers of similar services*;

(f) to guarantee or insure bonds and notes issued by the authority, in whole or in part;

(g) *to make interest subsidy payments on behalf of eligible small businesses to be applied to the payment of interest on bonds or notes of the authority equal to the difference in interest payable on loans and the interest payable on bonds or notes of the authority where the proceeds of these bonds or notes are used to make or participate in making these loans;*

(h) *for any legal purpose or program of the authority, including without limitation the payment of the cost of issuing authority bonds and notes and authority administrative costs and expenses.*

In addition, the authority may use the economic development fund to purchase, lease, or license technology-related products for education or training or to participate in programs where technology-related products are purchased, leased, or licensed.

(g) The authority may create separate accounts within *any of the fund funds* for use in accordance with the separate purposes listed in this section and may irrevocably pledge and allocate moneys on deposit in *any of the fund funds* to the accounts for the purposes. The authority may make contracts with note and bond holders, trustees for them, financial institutions, or other persons interested in the disposition of moneys in the ~~fund funds~~ or ~~its~~ *their* accounts with respect to the conditions upon which money in ~~the any fund or~~ its accounts is to be held, invested, applied, and disposed of and the use of the fund and its accounts and the termination of accounts. The authority may determine to leverage amounts in accounts to be used to guarantee or insure bonds and notes of the authority or loans to ~~eligible small~~ businesses and may covenant as to the rate of leveraging with holders of the authority's bonds and notes or any trustee for them, financial institutions, or other persons. Money in the ~~fund funds~~ and ~~its~~ *their* accounts shall, consistent with contracts with

holders of the authority's bonds and notes or any trustee for them, financial institutions, or other interested persons, be invested in accordance with section 116J.91, subdivision 15, and the investment income from them, absent contractual provisions to the contrary, shall be added to and retained in the ~~fund funds~~ or ~~its~~ *their* accounts if provided by the authority. The repayments to the authority of any direct loans made by the authority from money in the ~~fund funds~~ or ~~its~~ *their* accounts shall be paid by the authority into the *particular fund that was used in conjunction with the loan being repaid*, or, as provided by the authority, into an account. The authority may collect fees, initially or from time to time, or both, with respect to any direct loan it extends or any insurance or guarantee it grants. The authority may enter into contracts and security instruments with ~~eligible small~~ businesses, with bond and note holders or any trustee for them, or financial institutions or other persons to provide for and secure the repayment to the authority of money provided by the authority from the ~~fund funds~~ or ~~its~~ *their* accounts for direct loans or which have been paid by the authority from the fund or accounts pursuant to an authority guarantee or insurance.

The state covenants with all holders of the authority's bonds and notes, financial institutions, and other persons interested in the disposition of money in the ~~fund funds~~ or ~~its~~ *their* accounts, which money the authority has irrevocably pledged and allocated for any authorized purpose described in this subdivision, that the state will not take any action to limit the effect of the pledge and allocation and will not take any action to limit the effect of contracts entered into as authorized in this subdivision with respect to the pledge and allocation and will not limit or alter the rights vested in the authority or the state to administer the application of money pursuant to the pledge and allocation and to perform its obligations under the contracts. The authority may include and recite this covenant of the state in any of its bonds or notes benefitting from the pledge and allocation or contracts or related documents or resolutions;

(h) ~~to enter into contract with note and bond holders or other persons interested in the disposition of the fund; and~~

(i) ~~for any legal purpose or program of the authority, including without limitation the payment of the cost of issuing authority bonds and notes and authority administrative costs and expenses.~~

Sec. 4. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision 1b, is amended to read:

Subd. 1b. [*ECONOMIC DEVELOPMENT FUNDS; PREFERENCES.*]
(a) The following eligible small businesses have preference among *all* business applicants *for financial assistance from the economic development fund*:

(1) businesses located in areas of the state that are experiencing the most severe unemployment rates in the state;

(2) ~~eligible small~~ businesses that are likely to expand and provide additional permanent employment;

(3) businesses located in border communities that experience a competitive disadvantage due to location;

(4) businesses that have been unable to obtain traditional financial assis-

tance due to a disadvantageous location, minority ownership, or other factors rather than due to the business having been considered a poor financial risk;

(5) businesses that utilize state resources, thereby reducing state dependence on outside resources, and that produce products or services consistent with the long-term social and economic needs of the state;

(6) businesses located in designated enterprise zones, as described in section 273.1312, subdivision 4; and

(7) business located in federally designated economically distressed areas.

(b) Except in connection with the issuance of authority bonds or notes, the authority may not invest the ~~fund funds~~ in a program that does not have financial participation from the private sector, as determined by the authority.

Sec. 5. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision 1c, is amended to read:

Subd. 1c. [CREATION OF ECONOMIC DEVELOPMENT FUND.] There is created the economic development fund to be administered by the authority. All money in the fund is appropriated to the authority to accomplish the authority's ~~business development~~ purposes.

The money in the economic development fund must be used as provided in sections 116J.65, 116J.67, 116J.875 to 116J.926, and chapters 472 and 474, to provide financial assistance to businesses, eligible small businesses, targeted small businesses, and farm businesses. This financial assistance includes business loans, pollution control loans, small business loans, and farm loans and the purchasing, leasing, or licensing of technology-related products or rights to the products.

Sec. 6. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision 2, is amended to read:

Subd. 2. [PUBLIC PURPOSES.] Sections ~~116J.88 to 116J.91~~ and sections ~~116J.921~~ 116J.875 to 116J.926 are enacted to promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of its citizens; by reducing, controlling, and preventing environmental pollution and waste of energy and other resources; and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Sec. 7. Minnesota Statutes 1982, section 116J.89, subdivision 4, is amended to read:

Subd. 4. The state pledges and agrees with all holders of obligations of the ~~agency~~ authority that it will not limit or alter the rights vested in the ~~agency~~ authority to fulfill their terms, and will not in any way impair the rights or remedies of the holders, until all of the obligations and interest on them, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of such holders to enforce the payment and other provisions of the obligations, are fully met and discharged. The ~~agency~~ authority is authorized to include and recite this pledge and agreement of the state in any obligation or related document.

Sec. 8. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision

6, is amended to read:

Subd. 6. The property of the ~~agency~~ *authority* and its income and operation shall be exempt from all taxation by the state or any of its political subdivisions.

Sec. 9. Minnesota Statutes 1983 Supplement, section 116J.89, subdivision 8, is amended to read:

Subd. 8. [MEMBERSHIP.] The members and governing body of the authority shall be the commissioner and ten other members appointed by the governor. The governor shall designate the chairman from among the members. The board shall elect a secretary *and other officers as it deems fit* from among its members. On July 1, 1983, the governor shall have authority to appoint new members. The terms of the current members shall expire, respectively, when they are replaced and new members are appointed by the governor and qualified. Section 15.0575 governs the terms, compensation, removal and filling of vacancies in the offices of members other than the commissioner.

Sec. 10. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The authority may make or purchase or participate with financial institutions in making or purchasing business loans, *small business loans, energy loans, pollution control loans, and farm loans* upon the conditions described in this section, and may enter into commitments therefor.

Sec. 11. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 2, is amended to read:

Subd. 2. [SMALL BUSINESS LOANS; LIMITATIONS.] The authority may make or purchase or participate with financial institutions in making or purchasing *small business loans* not exceeding \$1,000,000 in principal amount with respect to *small business loans* made or purchased by the authority and not exceeding \$1,000,000 principal amount with respect to the authority's share thereof when the authority participates in making or purchasing *small business loans*.

With respect to ~~business~~ loans that the authority makes or purchases or participates with, the authority may determine or provide for their servicing, the percentage of authority participation, if any, the times the loans or participations shall be payable and the amounts of payment, their amount and interest rates, their security, if any, and other terms, conditions, and provisions necessary or convenient in connection with them and may enter into all necessary contracts and security instruments in connection with them. The authority may provide for or require the insurance or guaranteeing of the ~~business~~ loans or authority participations in whole or in part by the federal government or a department, agency, or instrumentality of it, by an appropriate account created with respect to the economic development fund *in connection with business loans, small business loans, pollution control loans, and farm loans, and with respect to the energy development fund in connection with energy loans*, or by a private insurer. In connection with making or purchasing business loans or participations in them, the authority may enter into commitments to purchase or participate with financial institu-

tions or other persons upon the terms, conditions, and provisions determined by it. ~~Business~~ Loans or participations may be serviced by financial institutions or other persons designated by the authority. The dollar limitations contained in this subdivision do not apply to energy loans and loans insured under sections 93 116J.924 and 94 116J.925.

Sec. 12. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 3, is amended to read:

Subd. 3. [DIRECT ~~BUSINESS AND~~ FARM LOANS; LIMITATIONS.] The authority may make ~~business loans or~~ farm loans not exceeding \$100,000 in principal amount, at interest rates and subject to terms determined by the authority, provided that each loan shall be made only from the proceeds of a bond or note payable in whole or part from the repayments of principal and interest on the loan. The loans may also be guaranteed or insured by money on deposit in the economic development fund or any special account of it, and may be secured by reserve funds and other collateral and available money as determined by the authority. The authority may enter into all necessary contracts and security instruments in connection with them. The limitation on loan amounts in this subdivision does not apply to ~~energy loans and loans insured under sections 93 and 94~~ any other loan authorized under this act.

Sec. 13. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 5, is amended to read:

Subd. 5. [TARGETED LOANS.] The authority shall make every effort to assure that at least 50 percent of the principal amount of the loans made or purchased by the authority in each fiscal year consists of loans with a principal amount of \$100,000 or less to targeted small businesses as defined in section 116J.88, subdivision 5, and the financial management division shall provide technical assistance needed by targeted small businesses to complete applications and meet other requirements for those loans. The authority shall report to the legislature annually on or before February 1 as to its compliance with the requirements of this subdivision during the preceding fiscal year. Noncompliance with this subdivision ~~does~~ shall not affect the validity of bonds and notes heretofore or hereafter issued.

Sec. 14. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 5a. [SPECIAL ASSISTANCE PROGRAM.] (a) *The authority may operate a special assistance program and may designate certain businesses as being in need of special assistance. In connection with the special assistance program the authority may borrow money and may issue negotiable bonds and notes in accordance with section 116J.91, subdivisions 11 and 12. Notwithstanding any provision to the contrary in section 116J.91, subdivision 11, the aggregate principal amount of the authority's bonds and notes outstanding at any one time and issued in connection with the special assistance program, excluding the amount satisfied and discharged by payment and deducting amounts held in debt service reserve funds and amounts used to make loans guaranteed or insured by the federal government or a department, agency, or instrumentality of the federal government or by a private insurer or guarantor authorized to do business in the state of Minnesota and acceptable to the authority, shall not exceed \$10,000,000.*

(b) No business shall be eligible to receive special assistance unless the authority has first passed a resolution designating the business as being in need of special assistance. The resolution shall include findings that the designation and receipt of the special assistance will be of exceptional benefit to the state of Minnesota in that at least two of the following criteria are met:

(1) in order to expand or remain in Minnesota, the business has demonstrated that it is unable to obtain suitable financing from other sources;

(2) special assistance will enable a business not currently located in Minnesota to locate a facility within Minnesota which directly increases the number of jobs within the state;

(3) the business will create or retain significant numbers of jobs within a community in Minnesota; and

(4) the business has a significant potential for growth in jobs or economic activities within Minnesota within the ensuing five-year period.

(c) Special assistance may include:

(1) a business loan;

(2) a small business loan; or

(3) use of monies in the economic development fund to provide financial assistance to businesses in accordance with section 116J.89, subdivision 1a, except that section 116J.89, subdivision 1a(g), shall apply only to eligible small businesses.

Sec. 15. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 6, is amended to read:

Subd. 6. [REPORTS.] (a) Each financial institution that participates in a pollution control or business loan with the authority shall annually on or before March 1 submit a report for the prior calendar year to the authority on a form prescribed by the ~~state auditor~~ *commissioner*. The report shall include a listing of each new and outstanding loan in which the financial institution is a participant, the amount and terms of the loan, the purpose of the loan, and any other information as the ~~state auditor~~ *commissioner* may reasonably require.

(b) The authority shall annually on or before May 1 submit a report on a form prescribed by the ~~state auditor~~ *commissioner* for the prior calendar year to the state auditor on all loans that it makes, purchases, or participates in. The report shall include a listing of each new and outstanding loan in which the financial institution is a participant, the amount and terms of the loan, the purpose of the loan, and any other information as the state auditor may reasonably require.

(c) The state auditor shall annually on or before July 1 submit a report for the prior calendar year to the governor and the legislature summarizing the report submitted pursuant to clause (b).

(d) The cost of preparing and submitting the reports required by this subdivision shall be borne by the party submitting it. Any financial institution that fails to comply with the requirements of this subdivision shall be prohibited from participating in future loans until it complies.

Sec. 16. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 1, is amended to read:

Subdivision 1. In implementing the purposes and the programs described in sections ~~116J.88 to 116J.91~~ 116J.65, 116J.67, 116J.875 to 116J.926, and chapters 472 and 474, the authority shall have the powers and duties set forth in this section.

Sec. 17. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend, and repeal rules, *including temporary rules*, not inconsistent with the provisions of sections ~~116J.88 to 116J.91~~ 116J.65, 116J.67, 116J.875 to 116J.926, and chapters 472 and 474 as necessary to effectuate its purposes. *Notwithstanding any other law to the contrary, the temporary rules need not be adopted in compliance with chapter 14, and shall be effective for 180 days, or until the permanent rules are adopted, whichever occurs first. The temporary rules shall be effective upon adoption by the authority and shall be published in the state register as soon thereafter as possible.*

Sec. 18. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its purposes and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The bonds and notes may be issued pursuant to a trust indenture that is substantially identical to a resolution pursuant to which the authority issues bonds and notes as provided in sections 462A.08 to 462A.13, 462A.16, and 462A.17, except that the authority may pledge money and securities to a trustee for the security of the holders of bonds and notes. The authority may refund bonds and notes and may guarantee or insure its bonds and notes in whole or in part with money from the ~~economic development fund funds~~ or an account created by the authority for that purpose. The aggregate principal amount of the authority's bonds and notes outstanding at any one time, excluding the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds therefor and amounts used to make loans guaranteed or insured by the federal government or a department, an agency or instrumentality of the federal government or by a private insurer or guarantor authorized to do business in the state of Minnesota and acceptable to the authority, shall not exceed \$30,000,000 unless authorized by another law.

Sec. 19. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 12, is amended to read:

Subd. 12. It may issue and sell bonds, notes, and other obligations payable solely from particular moneys, assets, or revenues derived from its programs, or any ~~business loan, farm loan, or pollution control loan~~, notwithstanding section 462A.08, subdivision 3. Obligations issued to participate in making or purchasing ~~business loans or pollution control loans~~ shall be payable solely from revenues derived by the authority from repayments of these

loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, or from other funds or security specifically pledged by the authority, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. A general reserve fund is created and is eligible to receive direct appropriations from the state treasury or a transfer from *any of the economic development fund funds* as the authority may provide by resolution. The authority may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the authority shall determine. Until so pledged and appropriated by the authority the general reserve fund shall not be available to pay principal and interest on the authority's obligations. The authority may at its option provide by resolution that obligations issued to participate in making or purchasing ~~business loans or pollution control~~ loans be secured at the time of issuance in whole or in part by a debt service reserve fund or funds, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds. The operation of the debt service reserve fund or funds or a segregated portion of the general reserve fund and other relevant terms or provisions shall be determined by resolution or indenture of the authority. Obligations issued to make or purchase ~~business loans, farm loans, or pollution control~~ loans may be issued pursuant to an indenture of trust or a resolution of the authority. It may pledge to holders of obligations, or to a trustee, repayments from the loans, any security or collateral for them, contract rights with respect to them, and any other funds or security specifically pledged by the authority for them.

Sec. 20. Minnesota Statutes 1982, section 116J.91, subdivision 15, is amended to read:

Subd. 15. It may cause any funds not required for immediate disbursement, including the general reserve fund, to be invested in direct obligations of or obligations guaranteed as to principal and interest by the United States, or in insured savings accounts, up to the amount of the insurance, in any institution the accounts of which are insured by the federal savings and loan insurance corporation or to be deposited in a savings or other account in a bank insured by the federal deposit insurance corporation or to be invested in time certificates of deposit issued by a bank insured by the federal deposit insurance corporation and maturing within one year or less *and in the investments described in section 11A.24, subdivision 4, except clause (d) of subdivision 4.* It may deposit funds in excess of the amount insured with security as provided in chapter 118. Notwithstanding the foregoing, it may invest and deposit funds into accounts established pursuant to resolutions or indentures securing its bonds or notes in such investments and deposit accounts or certificates, and with such security, as may be agreed therein with the holders or a trustee for the holders.

Sec. 21. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 16, is amended to read:

Subd. 16. It may provide general consultative and technical services to assist in financing ~~small business facilities for the businesses to which loans~~

may be made. It may enter into agreements or other transactions concerning the receipt or provision of those services.

Sec. 22. Minnesota Statutes 1982, section 116J.91, subdivision 17, is amended to read:

Subd. 17. Financial information, including, but not limited to, credit reports, financial statements and net worth calculations, received or prepared by the ~~agency authority~~ regarding any ~~agency authority~~ loan, ~~financial assistance, or insurance~~ is private data with regard to data on individuals as defined in section 13.02, subdivision 9 and non-public data with regard to data not on individuals as defined in section 13.02, subdivision 12.

Sec. 23. Minnesota Statutes 1982, section 116J.91, subdivision 18, is amended to read:

Subd. 18. ~~It~~ *The authority may accept appropriations, gifts, grants, bequests, and devises and use or dispose of them for its corporate purposes. All gifts, grants, bequests, and revenues from those sources are appropriated to the authority for the purposes of sections 116J.65, 116J.67, and 116J.875 to 116J.926. The funding may include, but is not limited to, voluntary public utility investments and expenditures as provided by a utility and submitted in a program approved by the public utilities commission under section 216B.241. Any voluntary investments or expenditures or gifts by a utility as described in this subdivision shall be appropriated to the authority only for purposes of sections 116J.921 to 116J.926.*

Sec. 24. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 19, is amended to read:

Subd. 19. Proceeds of the authority's bonds, notes, and other obligations; amounts granted or appropriated to the ~~agency authority~~ for the making or purchase or the insurance or guaranty of loans or for bond reserves; income from investment; money in the ~~economic development fund funds~~; and all revenues from loans, fees, and charges of the authority are annually appropriated to the ~~agency authority~~ for the accomplishment of its corporate purposes and shall be expended, administered, and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures, and other instruments, contracts, and agreements of the agency. Notwithstanding section 16A.28, these appropriations are available until expended.

Sec. 25. Minnesota Statutes 1982, section 116J.91, is amended by adding a subdivision to read:

Subd. 19a. The authority may receive payments in the form of royalties, dividends, or other compensation in connection with technology-related products, energy conservation products, or other equipment which it has purchased or in which it has participated.

Sec. 26. Minnesota Statutes 1983 Supplement, section 116J.91, subdivision 20, is amended to read:

Subd. 20. The authority may do all things necessary and proper to fulfill its purpose and the purposes of the ~~economic development fund~~ as provided in sections 116J.65, 116J.67, ~~116J.88 to 116J.91, sections 116J.921 to 116J.875 to 116J.926, and chapters 472 and 474.~~

Sec. 27. Minnesota Statutes 1983 Supplement, section 116J.923, subdivi-

sion 7, is amended to read:

Subd. 7. [LOANS TO MUNICIPALITIES.] The authority shall ~~receive~~ *approve* applications from municipalities for loans to finance improvements to public buildings for the purpose of energy conservation, reduction of the use of conventional energy sources, or the use of alternative energy resources, and make recommendations thereon to the commissioner of finance, in the event of the authorization and issuance of bonds of the state for this purpose. Financial and technical support for this program shall be provided by the financial management division. This program shall include the district heating loan program established in section 116J.36 and the program of energy improvement loans to schools created by Laws 1983, chapter 323.

Sec. 28. Minnesota Statutes 1983 Supplement, section 116J.924, subdivision 3, is amended to read:

Subd. 3. [INSURANCE OF LOANS.] (a) [AUTHORIZATION.] The authority is authorized, upon application by a ~~lender~~ *financial institution*, to insure loans for *cost-effective* qualified energy projects as provided in this section; and under terms as the authority may prescribe by rule, to make commitments for the insuring of loans prior to the date of their execution or disbursement.

(b) [ELIGIBILITY REQUIREMENTS.] The authority may by rule establish requirements for energy loans to be eligible for insurance under this section, relating to:

(1) maximum principal amount, amortization schedule, interest rate, delinquency charges, and other terms;

(2) the portion of the loan to be insured;

(3) acceleration and other remedies;

(4) covenants regarding insurance, repairs, and maintenance of the project;

(5) conditions regarding subordination of the loan security, if any, of the project to other liens against the property;

(6) the aggregate principal amount of loans to be insured in relation to the reserves from time to time on hand in the insurance fund, and priorities as to the loans to be insured; and

(7) any other matters determined by the authority.

The authority shall by rule establish criteria for analyzing the cost-effectiveness of projects.

(c) [CONCLUSIVE EVIDENCE OF INSURABILITY.] Any contract of insurance executed by the authority under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the ~~lender~~ *financial institution*.

(d) [PREMIUMS.] The authority is authorized to fix premium charges for the insurance of loans under this section at levels which in its judgment, taking into account other amounts available in the fund, will be sufficient to cover and maintain a reserve for loan losses.

(e) [PROCEDURES UPON DEFAULT.] The authority may establish procedures to be followed by ~~lenders~~ *financial institutions* and to be taken by the authority in the event of default upon an energy loan, including:

- (1) time for filing claims;
- (2) rights and interests to be assigned and documents to be furnished by the ~~lender~~ *financial institution*;
- (3) principal and interest to be included in the claim; and
- (4) conditions, if any, upon which the authority will pay the entire principal amount in default, after foreclosure and receipt of marketable title to the property.

Sec. 29. Minnesota Statutes 1983 Supplement, section 116J.925, subdivision 1, is amended to read:

116J.925 [ENERGY LOAN PROGRAM DEVELOPMENT FUND.]

Subdivision 1. [AUTHORITY TO MAKE ENERGY LOANS.] The authority may make *energy* loans to ~~individuals, partnerships, corporations, or other entities~~ *a business* for the financing of ~~capital improvements to be used in connection with a trade or business if the principal purpose of improvement is energy conservation, to reduce the usage of conventional fuels as a source of energy, or to develop Minnesota's alternative energy resources as provided by the authority's rules a qualified energy project.~~

Sec. 30. Minnesota Statutes 1983 Supplement, section 116J.925, subdivision 3, is amended to read:

Subd. 3. [ENERGY DEVELOPMENT FUND.] An energy development fund is created and is eligible to receive appropriations. The authority may irrevocably pledge and appropriate all or a segregated portion of the energy development fund to make principal and interest payments when due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions the authority shall prescribe. ~~Unless the energy development fund has been pledged and appropriated to secure the obligations, the energy development fund shall not be available to make principal or interest payments on the obligations. The authority may otherwise operate the fund according to section 116J.89.~~

Sec. 31. [116M.01]

Sections 116J.62; 116J.65; 116J.67; 116J.88; 116J.89; 116J.90; 116J.91; 116J.921; 116J.923; 116J.924; 116J.925; and 116J.926 may be cited as the Minnesota Energy and Economic Development Authority Act.

Sec. 32. Minnesota Statutes 1983 Supplement, section 275.125, subdivision 12a, is amended to read:

Subd. 12a. [ENERGY CONSERVATION LEVY.] The school district may *annually* levy, without the approval of a majority of the voters in the district, an amount ~~equal to the actual costs of the energy conservation investments for the purposes of repaying~~ *sufficient to repay* the annual principal and interest of the ~~law~~ *loan* made pursuant to section 116J.37.

Sec. 33. Minnesota Statutes 1982, section 474.01, subdivision 7, is amended to read:

Subd. 7. Any municipality or redevelopment agency contemplating the exercise of the powers granted by this chapter may apply to the commissioner of energy, ~~planning~~ and *economic* development for information, advice, and assistance. The commissioner is authorized to handle such preliminary information in a confidential manner, to the extent requested by the municipality.

Sec. 34. Minnesota Statutes 1982, section 474.01, subdivision 7a, is amended to read:

Subd. 7a. No municipality or redevelopment agency shall undertake any project authorized by this chapter, except a project referred to in section 474.02, subdivision 1f, unless its governing body finds that the project furthers the purposes stated in this section, nor until the commissioner of energy, ~~planning~~ and *economic* development has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of this chapter. Approval shall not be deemed to be an approval by the commissioner of energy, ~~planning~~ and *economic* development or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefor, and the commissioner shall state this in communicating approval.

Sec. 35. Laws 1983, chapter 323, section 5, subdivision 2, is amended to read:

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 authority~~.

Sec. 36. [INSTRUCTIONS TO REVISOR.]

Subdivision 1. [CHANGE OF TERMS.] The revisor of statutes shall change the words "development revolving fund" or "revolving fund" to "Minnesota Fund" whenever they appear in Minnesota Statutes, chapter 472.

Subd. 2. [RENUMBERING.] The revisor of statutes shall renumber each section specified in column A with the number in column B. The revisor shall also make the necessary cross-reference changes consistent with this renumbering.

<i>Column A</i>	<i>Column B</i>
116J.62	116M.03
116J.65	116M.04
116J.67	116M.05
116J.88	116M.02
116J.89	116M.06
116J.90	116M.07
116J.91	116M.08
116J.921	116M.09
116J.923	116M.10
116J.924	116M.11
116J.925	116M.12
116J.926	116M.13

Sec. 37. [REPEALER.]

Minnesota Statutes 1983 Supplement, sections 116J.922; 116J.923, subdivisions 2 and 12; and 116J.924, subdivision 1, are repealed."

Amend the title as follows:

Page 1, line 6, delete "appropriating money;"

Page 1, line 7, delete "116J.36,"

Page 1, delete line 8

Page 1, line 11, delete the first "subdivisions" and insert "a subdivision"

Page 1, line 19, delete "in" and insert "as" and delete "116L" and insert "116M"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

H.F. No. 1774: A bill for an act relating to transportation; providing for distribution of town road funds; amending Minnesota Statutes 1983 Supplement, section 162.081, subdivision 4.

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

H.F. No. 2180: A resolution memorializing the President and Secretary of Transportation of the United States, the National Transportation Safety Board, and the Minnesota Congressional delegation to implement a program for the reflectorization of railroad rolling stock.

Reports the same back with the recommendation that the resolution do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1293: A bill for an act relating to bicycles; allowing bicycle registrants to donate in excess of the registration fee to pay for costs of administering and publicizing the bicycle registration program and for developing bicycle education programs and recreational facilities and trails; providing criteria for fund allocation to political subdivisions; providing for reports to the legislature; providing for appointment of deputy registrars of bicycles; continuing the bicycle study review commission; amending Minnesota Statutes 1982, sections 168C.04; 168C.11; Laws 1976, chapter 199, section 14, subdivision 1.

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

Page 3, line 25, before the comma, insert "*of transportation*"

Page 3, line 29, strike "*highways*" and insert "*public safety*"

Page 4, line 9, after "*function*" insert "*under that name*"

Page 4, line 10, delete "*state agencies*" and insert "*the commissioners of transportation and public safety*"

Amend the title as follows:

Page 1, line 11, before the semicolon, insert "*as the advisory committee on bikeways and bikeway safety*"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 2168: A bill for an act relating to transportation; highways; modifying restrictions on loading of vehicles driven on highways; amending Minnesota Statutes 1982, section 169.81, subdivision 5.

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

Page 1, line 11, reinstate the comma

Page 1, line 12, delete the new language

Page 1, line 17, after the period, insert "*A vehicle carrying a load of split firewood which protrudes above the sides of the truck or trailer must be securely covered or fastened.*"

Page 1, line 19, after "*produce*" insert "*other than split firewood*"

Amend the title as follows:

Page 1, line 2, delete "*modifying*"

Page 1, delete line 3

Page 1, line 4, delete "*highways*" and insert "*requiring certain loads of firewood to be securely covered or fastened*"

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2165: A bill for an act relating to public finance; authorizing additional investment alternatives; providing for the delivery of municipal obligations in certificated or uncertificated form; providing restrictions on the use of certain data; providing a formula for determining limitations on interest rates on municipal obligations; providing an alternative procedure for conducting a public sale of municipal obligations; amending Minnesota Statutes 1982, sections 471.56, by adding a subdivision; 475.55, subdivisions 1, 4, and by adding a subdivision; 475.60, subdivision 3, and by adding

a subdivision; repealing Minnesota Statutes 1982, sections 475.71; and 475.76, subdivision 5.

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

Page 1, line 23, delete "*purchase or*"

Page 1, line 24, delete "*equal and opposite*" and delete "*positions*" and delete "*or sold*"

Page 4, line 19, delete "*five*" and insert "*four*"

Page 4, line 22, delete "*officer or agent*" and insert "*municipality*"

Page 4, line 23, after "*notice*" insert "*as described in the preceding sentence*"

Page 5, line 10, after "*the*" insert "*future*"

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2149: A bill for an act relating to local government; providing procedures for making certain contracts; amending Minnesota Statutes 1983 Supplement, section 471.345, subdivision 5.

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

Page 1, delete section 2

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

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

S.F. No. 1442: A bill for an act relating to resident aliens; clarifying the rights and responsibilities of resident aliens with respect to the distribution of economic benefits, militia enlistment, and veterans affairs; amending Minnesota Statutes 1982, sections 43A.11, subdivision 1; 60A.19, subdivision 7; 64A.10, subdivision 1; 85.018, subdivision 6; 98.45, subdivision 4; 98.47, subdivisions 8 and 15; 137.10; 147.25; 181.59; 184.26, subdivision 3; 190.06, subdivision 3; 197.03; 197.05; 197.447; 197.63, subdivision 1; 198.01; 256E.08, subdivision 10; 340.02, subdivision 8; 340.13, subdivision 12; 340.403, subdivision 3; 359.01; 360.015, subdivision 9; 395.14; 462.525, subdivision 10; 617.34; and 617.35; and Minnesota Statutes 1983 Supplement, section 51A.03, subdivision 1.

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

Page 2, line 4, after "*individuals*" reinstate the stricken comma and after the stricken "*citizens*" insert "*residents*" and reinstate the stricken "*of this state,*"

Page 2, lines 7 to 10, delete the new language

Page 2, line 32, reinstate the stricken language after the stricken "and"

Page 2, line 33, after the stricken "citizens" insert "*residents*" and reinstate the stricken "of this state,"

Page 3, line 1, delete the new language

Page 3, delete lines 2 to 4

Page 3, line 5, delete everything before the period

Page 4, line 7, strike "citizen of the United States"

Page 4, lines 7 to 9, delete the new language and insert "*resident, as defined in section 97.40, subdivision 21,*"

Page 7, line 16, strike "MAY ENLIST" and delete "FEMALES" and insert "NONCOMBATANT SERVICE"

Page 7, line 17, strike "female"

Page 7, lines 18 and 19, delete "*able-bodied resident females*" and insert "*residents of the state*"

Page 7, line 23, strike "male"

Page 14, line 5, strike "any"

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

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

S.F. No. 1023: A bill for an act relating to probate; adopting provisions of the uniform probate code relating to intestate succession, spouse's elective share, omitted spouses and children, and certain allowances and exempt property; proposing new law coded in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1982, sections 525.13; 525.14; 525.145; 525.15; 525.151; 525.16; 525.17; 525.171 to 525.202; and 525.212 to 525.216.

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

Delete everything after the enacting clause and insert:

"PART 1

Section 1. [524.2-101] [INTESTATE ESTATE.]

Except as provided in sections 525.14 and 525.145, and subject to the allowances provided in section 525.15, and the payment of the expenses of administration, funeral expenses, expenses of last illness, taxes, and debts, any part of the estate of a decedent not effectively disposed of by the decedent's will passes to the decedent's heirs as prescribed in sections 2 to 13.

Sec. 2. [524.2-102] [SHARE OF THE SPOUSE.]

The intestate share of the surviving spouse is:

- (1) if there is no surviving issue of the decedent, the entire intestate estate;*
- (2) if there are surviving issue all of whom are issue of the surviving spouse*

also, the first \$70,000, plus one-half of the balance of the intestate estate;

(3) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.

Sec. 3. [524.2-103] [SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE.]

The part of the intestate estate not passing to the surviving spouse under section 2, or the entire intestate estate if there is no surviving spouse, passes as follows:

(1) to the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;

(2) if there is no surviving issue, to his parent or parents equally;

(3) if there is no surviving issue or parent, to the issue of the parents or either of them by representation;

(4) if there is no surviving issue, parent, or issue of a parent, to the next of kin in equal degree, except that when there are two or more collateral kindred in equal degree claiming through different ancestors, those who claim through the nearest ancestor shall take to the exclusion of those claiming through an ancestor more remote.

Sec. 4. [524.2-104] [REQUIREMENT THAT HEIR SURVIVE DECEDENT FOR 120 HOURS.]

A person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property and intestate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the state under section 5.

Sec. 5. [524.2-105] [NO TAKER.]

If there is no taker under the provisions of sections 2 to 13, the intestate estate passes to the state.

Sec. 6. [524.2-106] [REPRESENTATION.]

If representation is called for by sections 2 to 13, the estate is divided into as many shares as there are surviving heirs in the nearest degree of kinship and deceased persons in the same degree who left issue who survive the decedent, each surviving heir in the nearest degree receiving one share and the share of each deceased person in the same degree being divided among his or her issue in the same manner.

Sec. 7. [524.2-107] [KINDRED OF HALF BLOOD.]

Relatives of the half blood inherit the same share they would inherit if they were of the whole blood.

Sec. 8. [524.2-108] [AFTERBORN HEIRS.]

Relatives of the decedent conceived before his death but born thereafter inherit as if they had been born in the lifetime of the decedent.

Sec. 9. [524.2-109] [MEANING OF CHILD AND RELATED TERMS.]

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:

(1) An adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent. If a parent dies and a child is subsequently adopted by a stepparent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's issue from or through the deceased parent of the child which exist at the time of the death of that parent shall not be affected by the adoption.

(2) In cases not covered by (1), a person born out of wedlock is a child of the mother. That person is also a child of the father, if:

(i) the natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or

(ii) the paternity is established by an adjudication before the death of the father or is established thereafter by clear and convincing proof, except that the paternity established under this clause is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.

Sec. 10. [524.2-111] [DEBTS TO DECEDENT.]

A debt owed to the decedent is not charged against the intestate share of any person except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's issue.

Sec. 11. [524.2-112] [ALIENAGE.]

No person is disqualified to take as an heir because he or a person through whom he claims is or has been an alien.

Sec. 12. [524.2-113] [PERSONS RELATED TO DECEDENT THROUGH TWO LINES.]

A person who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship which would entitle such person to the larger share.

Sec. 13. [524.2-114] [INSTRUMENTS REFERENCING INTESTACY LAWS.]

If a maker has executed a will or other instrument on or before December 31, 1985, which directs disposition of all or part of the estate pursuant to the intestacy laws of the state of Minnesota, the laws to be applied shall be in accordance with the laws of intestate succession in effect on or before December 31, 1985, unless the will or instrument directs otherwise.

ELECTIVE SHARE OF SURVIVING SPOUSE

Sec. 14. [524.2-201] [RIGHT TO ELECTIVE SHARE.]

(a) *If a married person domiciled in this state dies, the surviving spouse has a right of election to take an elective share of one-third of the augmented estate under the limitations and conditions hereinafter stated.*

(b) *If a married person not domiciled in this state dies, the right, if any, of the surviving spouse to take an elective share in property in this state is governed by the law of the decedent's domicile at death.*

Sec. 15. [524.2-202] [AUGMENTED ESTATE.]

The augmented estate means the estate reduced by funeral and administration expenses, homestead allowance, family allowances and exemptions, liens, mortgages, and enforceable claims, to which is added the sum of the following amounts:

(1) *The value of property transferred by the decedent at any time during the marriage, to or for the benefit of any person other than the surviving spouse, to the extent that the decedent did not receive adequate and full consideration in money or money's worth for the transfer, if the transfer is of any of the following types:*

(i) *any transfer under which the decedent retained at the time of death the possession or enjoyment of, or right to income from, the property;*

(ii) *any transfer to the extent that the decedent retained at the time of death a power, either alone or in conjunction with any other person, to revoke or to consume, invade or dispose of the principal for his or her own benefit;*

(iii) *any transfer whereby property is held at the time of decedent's death by decedent and another with right of survivorship;*

Any transfer is excluded if made with the written consent or joinder of the surviving spouse. Property is valued as of the decedent's death.

(2) *The value of property owned by the surviving spouse at the decedent's death, plus the value of property transferred by the spouse at any time during marriage to any person other than the decedent which would have been includible in the spouse's augmented estate if the surviving spouse had predeceased the decedent, to the extent the owned or transferred property is derived from the decedent by any means other than testate or intestate succession or as an obligation of support without a full consideration in money or money's worth. For purposes of this clause:*

(i) *Property derived from the decedent includes, but is not limited to, any beneficial interest of the surviving spouse in a trust created by the decedent during the decedent's lifetime, any property appointed to the spouse by the decedent's exercise of a general or special power of appointment also exercisable in favor of others than the spouse, any proceeds of insurance, including accidental death benefits, on the life of the decedent attributable to premiums paid by him, any lump sum immediately payable and the commuted value of the proceeds of annuity contracts under which the decedent was the primary annuitant attributable to premiums paid by him, the commuted value of amounts payable after the decedent's death under any public or private pension, disability compensation, benefit, or retirement plan, ex-*

clusive of the Federal Social Security system, by reason of service performed or disabilities incurred by the decedent, any property held at the time of decedent's death by decedent and the surviving spouse with right of survivorship, any property held by decedent and transferred by contract to the surviving spouse by reason of the decedent's death, and the value of the share of the surviving spouse resulting from rights in community property in this or any other state formerly owned with the decedent. Premiums paid by the decedent's employer, the decedent's partner, a partnership of which the decedent was a member, or the decedent's creditors, are deemed to have been paid by the decedent.

(ii) Property owned by the spouse at the decedent's death is valued as of the date of death. Property transferred by the spouse is valued at the time the transfer became irrevocable, or at the decedent's death, whichever occurred first. Income earned by included property prior to the decedent's death is not treated as property derived from the decedent.

(iii) Property owned by the surviving spouse as of the decedent's death, or previously transferred by the surviving spouse, is presumed to have been derived from the decedent except to the extent that the surviving spouse establishes that it was derived from another source.

(3) The value of property paid to or for the benefit of any person other than the surviving spouse as a result of the decedent's death if the property is any of the following types:

(i) any proceeds of insurance (including accidental death benefits, but excluding insurance proceeds paid for a bona fide business purpose) on the life of the decedent attributable to premiums paid by the decedent during the marriage,

(ii) any lump sum immediately payable and the commuted value of the proceeds of annuity contracts under which the decedent was the primary annuitant attributable to premiums paid by the decedent during the marriage, or

(iii) the commuted value of amounts payable after the decedent's death under any public or private pension, disability compensation, benefit or retirement plan, exclusive of the Federal Social Security system, by reason of service performed or disabilities incurred by the decedent, attributable to premiums or contributions paid by the decedent during the marriage.

For purposes of this clause, any premiums paid by the decedent's employer, the decedent's partner, a partnership of which the decedent was a member, or the decedent's creditors, are deemed to have been paid by the decedent.

Unless the payer of any such property has received written notice of the filing of a petition for the elective share, the property may be paid, upon request and satisfactory proof of the decedent's death, to the designated beneficiary of the property. Payment made discharges the payer from all claims for the amounts paid. The protection here given does not extend to payments made after the payer has received written notice of the filing of a petition for the elective share. Unless the notice is withdrawn by the surviving spouse, the surviving spouse must concur in any demand for withdrawal if the payer is to be protected under this provision.

Sec. 16. [524.2-203] [RIGHT OF ELECTION PERSONAL TO SURVIVING SPOUSE.]

The right of election of the surviving spouse may be exercised only during his lifetime by him. In the case of a protected person, the right of election may be exercised only by order of the court in which protective proceedings as to his property are pending, after finding that exercise is necessary to provide adequate support for the protected person during his probable life expectancy.

Sec. 17. [524.2-204] [WAIVER OF RIGHT TO ELECT AND OF OTHER RIGHTS.]

The right of election of a surviving spouse and the rights of the surviving spouse to homestead allowance, exempt property and family allowance, or any of them, may be waived, wholly or partially, after marriage, by a written contract, agreement or waiver signed by the party waiving after fair disclosure. Unless it provides to the contrary, a waiver of "all rights", or equivalent language, in the property or estate of a spouse is a waiver only of the right to elective share. Any waiver prior to marriage must be made pursuant to section 519.11.

Sec. 18. [524.2-205] [PROCEEDING FOR ELECTIVE SHARE; TIME LIMIT.]

(a) The surviving spouse may elect to take an elective share in the augmented net estate by filing in the court and mailing or delivering to the personal representative, if any, a petition for the elective share within nine months after the date of death, or within six months after the probate of the decedent's will, whichever limitation last expires. However, non-probate transfers, described in section 15, clause (1), shall not be included within the augmented estate for the purpose of computing the elective share, if the petition is filed later than nine months after death. The court may extend the time for election as it sees fit for cause shown by the surviving spouse before the time for election has expired.

(b) The surviving spouse shall give notice of the time and place set for hearing to persons interested in the estate and to the distributees and recipients of portions of the augmented net estate whose interests will be adversely affected by the taking of the elective share.

(c) The surviving spouse may withdraw his demand for an elective share at any time before entry of a final determination by the court.

(d) After notice and hearing, the court shall determine the amount of the elective share and shall order its payment from the assets of the augmented net estate or by contribution as appears appropriate under section 20. If it appears that a fund or property included in the augmented net estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the court nevertheless shall fix the liability of any person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in any greater amount than he would have been if relief had been secured against all persons subject to contribution.

(e) The order or judgment of the court may be enforced as necessary in suit for contribution or payment in other courts of this state or other jurisdictions.

Sec. 19. [524.2-206] [EFFECT OF ELECTION ON BENEFITS BY WILL OR STATUTE.]

A surviving spouse is entitled to the allowances provided in section 525.15 whether or not he or she elects to take an elective share.

Sec. 20. [524.2-207] [CHARGING SPOUSE WITH GIFTS RECEIVED; LIABILITY OF OTHERS FOR BALANCE OF ELECTIVE SHARE.]

(a) In the proceeding for an elective share, values included in the augmented estate which pass or have passed to the surviving spouse, or which would have passed to the surviving spouse but were renounced, are applied first to satisfy the elective share and to reduce any contributions due from other recipients of transfers included in the augmented estate. For purposes of this paragraph, the electing spouse's beneficial interest in any life estate or in any trust shall be computed as if worth one-half of the total value of the property subject to the life estate, or of the trust estate, unless higher or lower values for these interests are established by proof.

(b) Remaining property of the augmented estate is so applied that liability for the balance of the elective share of the surviving spouse is equitably apportioned among the recipients of the augmented estate in proportion to the value of their interests therein.

(c) Only original transferees from, or appointees of, the decedent and their donees, to the extent the donees have the property or its proceeds, are subject to the contribution to make up the elective share of the surviving spouse. A person liable to contribution may choose to give up the property transferred to him or to pay its value as of the time it is considered in computing the augmented estate.

PART 3

SPOUSE AND CHILDREN UNPROVIDED FOR IN WILLS

Sec. 21. [524.2-301] [OMITTED SPOUSE.]

(a) If a testator fails to provide by will for his surviving spouse who married the testator after the execution of the will, the omitted spouse shall receive the same share of the estate he would have received if the decedent left no will unless it appears from the will that the omission was intentional or the testator provided for the spouse by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by statements of the testator or from the amount of the transfer or other evidence.

(b) In satisfying a share provided by this section, the devises made by the will abate as provided in Minnesota Statutes, section 524.3-902.

Sec. 22. [524.2-302] [PRETERMITTED CHILDREN.]

(a) If a testator fails to provide in his will for any of his children born or adopted after the execution of his will, the omitted child receives a share in the estate equal in value to that which he would have received if the testator had died intestate unless:

(1) it appears from the will that the omission was intentional;

(2) when the will was executed the testator had one or more children and devised substantially all his estate to the other parent of the omitted child; or

(3) the testator provided for the child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by statements of the testator or from the amount of the transfer or other evidence.

(b) If at the time of execution of the will the testator fails to provide in his will for a living child solely because he believes the child to be dead, the child receives a share in the estate equal in value to that which he would have received if the testator had died intestate.

(c) In satisfying a share provided by this section, the devises made by the will abate as provided in Minnesota Statutes, section 524.3-902.

Sec. 23. [REPEALER.]

Minnesota Statutes 1982, sections 519.06; 525.16; 525.17; 525.171; 525.20; 525.201; 525.202; 525.212; 525.213; 525.214; 525.215; 525.216; and Minnesota Statutes 1983 Supplement, sections 525.172; and 525.173 are repealed.

Sec. 24. [EFFECTIVE DATE.]

This act shall be effective for estates of decedents dying after December 31, 1985."

Amend the title as follows:

Page 1, line 3, after "code" insert "and clarifying laws"

Page 1, line 4, after "share," insert "and" and after "children" delete the comma

Page 1, line 5, delete everything before the semicolon

Page 1, line 7, delete "525.13" and insert "519.06"

Page 1, line 8, delete everything before "525.16;"

Page 1, line 9, delete the first "to" and insert "; 525.20; 525.201;" and delete "and"

Page 1, line 9, before the period, insert "; Minnesota Statutes 1983 Supplement, sections 525.172; and 525.173"

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

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

S.F. No. 1919: A bill for an act relating to commerce; regulating the sale and operation of video gambling devices; defining terms; providing for the licensing of distributors and operators; requiring location agreements; establishing certain fees; providing for record keeping; prescribing penalties; appropriating money; proposing new law coded in Minnesota Statutes, chapter 349.

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

as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 340.11, subdivision 11a, is amended to read:

Subd. 11a. [ON-SALE LICENSES TO CERTAIN SPORTS COMMISSIONS.] Notwithstanding any law or municipal charter provision to the contrary, on-sale licenses for the sale of intoxicating liquor may be issued to establishments located on lands owned by the commission created in sections 473.551 to 473.595 and which are used primarily for sports and recreational purposes upon payment of the regular on-sale license fee therefor to the municipality wherein the licensed premises are located. Such licenses shall authorize the sale of intoxicating liquor to club members and guests only. *Notwithstanding any other law, or municipal charter provision or ordinance to the contrary, retail “on-sale” licenses permitting the sale of nonintoxicating malt liquors issued to establishments located on lands owned by the commission created in section 473.553 permit the licensees to sell non-intoxicating malt liquors, in addition to other times permitted by law, between the hours of ten a.m. and twelve noon on any Sunday on which a sports or other event is scheduled to begin at that location at or before one p.m. on that day.*

Sec. 2. [349.50] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 2 to 11, the terms defined in this section have the meanings given them.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of public safety.

Subd. 3. [DEPARTMENT.] “Department” means the department of public safety.

Subd. 4. [DISTRIBUTOR.] “Distributor” means a person which manufactures, sells, markets, advertises, or otherwise distributes video games of chance.

Subd. 5. [LOCATION AGREEMENT.] “Location agreement” is an agreement between an operator and an owner for the placement of video games of chance for use by the public.

Subd. 6. [OPERATOR.] “Operator” means a person which holds legal title to video games of chance and places them for use by the public pursuant to a location agreement.

Subd. 7. [OWNER.] “Owner” means a person operating a business in which video games of chance are placed for use by the public.

Subd. 8. [VIDEO GAME OF CHANCE.] “Video game of chance” means games or devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, roulette or other common gambling forms, though not offering any type of pecuniary award or gain to players. The term also includes any video game having one or more of the following characteristics:

(1) it is primarily a game of chance, and has no substantial elements of skill involved;

(2) it awards game credits or replays and contains a meter or device which

records unplayed credits or replays and contains a device that permits them to be cancelled.

Subd. 9. [PRIVATE CLUBS.] "Private clubs" are clubs holding club on-sale license issued under section 340.11, subdivision 11.

Sec. 3. [349.51] [DISTRIBUTOR AND OPERATOR LICENSES.]

Subdivision 1. [LICENSE REQUIRED.] No person shall engage in the business of a distributor or operator of video games of chance at any place of business without first having received a license from the department to engage in that business at that location.

Subd. 2. [APPLICATION; REQUIREMENTS.] (a) Every application for a license must be made on a form prescribed by the department and must state the name and address of the applicant. If the applicant is a firm, partnership, or association, the application must state the name and address of each of its members. If the applicant is a corporation, the application must state the name and address of each of its officers, the date of incorporation, the address of its principle place of business, the place where the business is to be licensed and business conducted, and information concerning whether or not any officer, director, resident manager, or direct salesman of the applicant has been convicted of a felony or convicted for a gambling offense within the past five years. The application may contain other information the department requires for the purpose of administering sections 1 to 10.

(b) Every applicant for a license shall be a legal resident or be incorporated within the state of Minnesota prior to the date of application for a distributor or operator license.

(c) Every applicant shall disclose under oath to the commissioner whether or not the applicant has any financial, legal, or other interests in a licensed wholesale liquor or alcoholic beverage distributorship or video game of chance distributorship in another state.

(d) No distributor may also be a wholesale distributor of liquor or alcoholic beverages.

(e) No distributor in this state may also be a distributor in another state, unless the distributor adequately demonstrates that he does not manufacture video games of chance outside of this state for use, sale, or distribution within this state.

Subd. 3. [FEES.] (a) The annual license fee for a distributor license is \$10,000.

(b) The annual license fee for an operator license is \$2,500.

Subd. 4. [DISTRIBUTOR BOND.] An application for a distributor's license must be accompanied by a corporate surety bond issued by a surety licensed to do business in this state, in the sum of \$10,000, conditioned upon the true and faithful compliance by the distributor with all the provisions of sections 1 to 10. The bond required by this subdivision must be kept in full force during the period covered by the license.

Subd. 5. [LICENSE ISSUED.] Upon receipt of the application, the bond in proper form, and payment of the license required by subdivision 3, the department shall issue a license in form as prescribed by the department to the

applicant, unless it determines that the applicant is otherwise unqualified. The license permits the applicant to whom it is issued to engage in business as a distributor or operator at the place of business shown in the application. The department must assign a license number to each person licensed at the time the initial license is issued. The license number must be inscribed upon all licenses issued to that distributor or operator.

Sec. 4. [349.52] [VIDEO GAME OF CHANCE LICENSES.]

Subdivision 1. [REQUIREMENTS.] In addition to the license required by section 2, an operator must obtain from the department an annual nontransferable license for each video game of chance. The license fee is \$120 per game. The fee must be prorated according to the number of months remaining in the calendar year at the time of the license application.

Subd. 2. [COLLECTION.] At the time a video game of chance is sold to an operator, the distributor must collect the license fee specified in subdivision 1. The distributor must affix to each game a stamp containing the operator's license number. All license fees must be given to the state treasurer for deposit in the account created in subdivision 3.

Subd. 3. [VIDEO GAMING LICENSE ACCOUNT.] There is created in the state treasury an account to be known as the "video gaming license account." All fees received by the state treasury pursuant to this section must be credited to this account. The commissioner shall, by January 10 of each year, certify to the state treasurer the number of video games of chance located in each city, and in each county outside of incorporated areas, on December 31 of the previous year. Within 10 days of receiving this certification the state treasurer shall pay from the video gaming license account to each city and county \$30 for each video game of chance located in the city or in the county outside city limits. After making these payments he shall transfer the unexpended balance in the account to the general fund.

Subd. 4. [LOCAL FEES PROHIBITED.] A municipality may not impose a fee or tax of any kind on video gaming devices.

Sec. 5. [349.53] [RECORD KEEPING DUTIES OF DISTRIBUTORS.]

A distributor shall keep at each licensed place of business complete and accurate records for that place of business, including invoices of video games of chance held, purchased, manufactured, brought in or caused to be brought in from outside the state, or shipped or transported to operators in this state, and of all sales of video games of chance made. The distributor must also keep adequate records of the names, addresses, and license numbers of operators to whom video games of chance are sold. All books, records, and other papers and documents required by this section to be kept must be preserved for a period of at least one year after the date of the documents, or the date of their entries as they appear in the records, unless the department, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours, the commissioner or his designated representatives may enter any place of business of a distributor without a search warrant and inspect the premises and the records required to be kept under this section, to determine whether or not all the provisions of this chapter are being fully complied with. If the commissioner or any representative is denied free access or is hindered or interfered with in making an examination, the license

of the distributor at the premises is subject to revocation.

Sec. 6. [349.54] [ACCESS TO GAME.]

The commissioner and his designated representatives must be given access to all video games of chance, whether the games are in the possession of distributors, operators, or owners, upon reasonable notice.

Sec. 7. [349.55] [GAME SPECIFICATIONS.]

No payment may be made directly from any game or in connection with the operation of any device. Each game must contain a random character generator, and any internal meter must be nonresetable. Any game cancelling replays or credits must cancel them no more than one at a time.

Sec. 8. [349.56] [LOCATION AGREEMENTS.]

An operator is required to have a location agreement with the owner where the game is placed for use by the public. The location agreement must show that the game is to be placed only in locations permitted by law. The location agreements, together with the other records of the operator, must be accessible to the commissioner and his designated representatives. The operator is required to certify under oath to the department annually the name and address of the location in which each game has been placed and that the games have been placed only in locations permitted by law. Placing a game in an illegal location is grounds for suspension or revocation of the operator's license.

Sec. 9. [349.57] [PLACEMENT LIMITATIONS.]

Subdivision 1. [NUMERICAL.] No more than two video games of chance may be operated in any location.

Subd. 2. [LOCATIONS.] Video games of chance may be operated only at licensed on-sale intoxicating liquor establishments and private clubs.

Sec. 10. [349.58] [PENALTIES.]

A violation of any of the provisions of sections 1 to 8 is punishable as a misdemeanor.

Sec. 11. [349.59] [CONTRABAND.]

Subdivision 1. [PACKAGES DECLARED TO BE CONTRABAND.] The following are declared to be contraband:

(1) all video games of chance which do not have a licensing stamp affixed to them and all containers that contain contraband video games of chance;

(2) all video games of chance to which the commissioner or his designated representatives have been denied access for the inspection of contents. In lieu of seizure, the commissioner or his designated representatives may seal the game to prevent its use until inspection of contents is permitted;

(3) all video games of chance at a location at which there is no location agreement in force; and

(4) all video games of chance illegally brought into the state.

Subd. 2. [SEIZURE.] Contraband may be seized by the commissioner or his designated representatives or by any sheriff or other police officer, with

or without process, and is subject to forfeiture as provided in subdivision 3.

Subd. 3. [DISPOSITION OF SEIZED PROPERTY.] The person who has seized the property must follow the procedure set forth under section 297A.15, subdivision 4. Whenever the commissioner is satisfied that any person from whom property is seized under sections 1 to 10 acting in good faith and without intent to evade the tax imposed by those sections, he shall release the property seized without further legal proceedings.

Sec. 12. [349.60] [CONSTRUCTION; OTHER ACTIONS.]

Subdivision 1. [CONSTRUCTION.] Nothing in sections 1 to 12 authorizes any activity in connection with video games of chance which violates sections 349.30 to 349.31 or 609.75 to 609.76.

Subd. 2. [OTHER ACTIONS.] Nothing in sections 1 to 12 precludes civil or criminal actions under any other applicable law or precludes any agency of government from investigating or prosecuting violations of sections 1 to 12 or any law relating to gambling."

Delete the title and insert:

"A bill for an act relating to commerce; permitting nonintoxicating malt liquor to be sold before noon on Sundays in sports facilities; regulating the sale and operation of video games of chance; defining terms; providing for the licensing of distributors and operators; requiring location agreements; establishing certain fees; providing for record keeping; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, section 340.11, subdivision 11a; proposing new law coded in Minnesota Statutes, chapter 349."

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

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

S.F. No. 2153: A bill for an act relating to commerce; removing preference for Minnesota made materials in state purchasing; clarifying definition of public contract for resident preference; amending Minnesota Statutes 1982, section 16.365; Minnesota Statutes 1983 Supplement, section 16.0721; repealing Minnesota Statutes 1982, section 16.073; Minnesota Statutes 1983 Supplement, section 16.072; and Laws 1983, chapter 336, section 3.

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

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

S.F. No. 1977: A bill for an act relating to economic development; clarifying provisions relating to the export finance authority; amending Minnesota Statutes 1983 Supplement, sections 17.104, by adding a subdivision; and 17.105, subdivisions 1, 3, 4, and 7.

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

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

H.F. No. 1659: A bill for an act relating to commerce; prohibiting limited partnerships from interposing the defense of usury; amending Minnesota Statutes 1982, section 334.021.

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

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

H.F. No. 585: A bill for an act relating to commerce; art; regulating the sale of fine prints; providing sales and advertising disclosures; prescribing penalties; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

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

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

S.F. No. 2164: A resolution memorializing Congress to enact H.R. 5081, the Fair Trade in Steel Act of 1984.

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

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

S.F. No. 1754: A bill for an act relating to insurance; no-fault auto; providing uninsured and underinsured motorist coverages; defining terms; amending Minnesota Statutes 1982, sections 65B.43, by adding subdivisions; and 65B.49, subdivision 4.

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

Page 2, line 4, after the period, insert "*The maximum liability of the insurer under the underinsured motorist coverage required shall be the lesser of:*

(1) *the difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization who may be held legally liable for the bodily injury, or*

(2) *the amount of damages sustained, but not recovered.*"

Page 3, line 1, after "coverage" insert "*nor the underinsured motorist coverage*"

Page 3, after line 3, insert:

"(5) *An insurer may make underinsured motorist coverage a part of uninsured motorist coverage with the limit of liability applying separately to each*

coverage.

(6) *After selection of limits by the insured, no insurer nor any affiliated insurer shall be required to notify any policyholder in any renewal or replacement policy, as to the availability of the optional limits. The insured may, subject to the limitations expressed in this section, make a written request for coverage more extensive than that provided on a prior policy.*

Sec. 5. [APPLICABILITY.]

Sections 1 to 4 are applicable to any plan of reparation security written to be effective on and after January 1, 1985, and to any renewal effective on and after January 1, 1985."

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

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

S.F. No. 1306: A bill for an act relating to financial institutions; allowing banks and trust companies to establish trust service offices at the location of other banks; proposing new law coded in Minnesota Statutes, chapter 48.

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

Page 1, line 12, delete "with the"

Page 1, line 13, delete "approval of the commisssioner" and insert "after completing the notification procedure required by this subdivision"

Page 1, line 15, delete "with the approval of the"

Page 1, line 16, delete "commissioner" and insert "after completing the notification procedure required by this subdivision"

Page 1, after line 21, insert:

"Any trust company or state bank permitted to exercise trust powers and a state bank at which a trust service office is to be established pursuant to this act shall jointly file, on forms provided by the commissioner, a notification of intent to establish a trust service office. The notification shall be accompanied by a filing fee of \$100 payable to the commissioner, to be deposited in the general fund of the state. No trust service office shall be established pursuant to this act if disallowed by order of the commissioner within 45 days of the filing of a complete and acceptable notification of intent to establish a trust service office. Any proceedings for judicial review of an order of the commissioner to disallow the establishment of a trust service office under this act shall be conducted pursuant to the provisions of the Administrative Procedure Act relating to judicial review of agency decisions, sections 14.63 to 14.69, and the scope of judicial review in such proceedings shall be as provided therein."

Page 2, line 13, before the period, insert " , and if there is no such newspaper, then at the county seat of the county in which the trust service office is to be located. The notice shall be published once and proof of publication shall be filed with the commissioner immediately after publication of the

notice of filing”

Page 3, after line 9, insert:

“Subd. 4. [SUPERVISION.] Every trust company or state bank permitted to exercise trust powers establishing and operating one or more trust service offices pursuant to this act shall at all times maintain records acceptable to the commissioner regarding transactions originating at such trust service offices and available at its principal office for examination pursuant to sections 46.04 and 46.05.”

Page 3, line 10, delete “4” and insert “5”

Page 3, line 17, delete “5” and insert “6”

Page 3, lines 19 and 34, delete “4” and insert “5”

Page 4, line 1, delete “4” and insert “5”

Page 4, delete lines 15 and 16

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

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

S.F. No. 1637: A bill for an act relating to financial institutions; credit unions; providing for reciprocity between Minnesota credit unions and credit unions from states that have enacted similar laws; amending Minnesota Statutes 1982, section 52.03.

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

Page 2, after line 3, insert:

“Subd. 3. [CEASE AND DESIST.] If, subsequent to approval, it is determined that a reciprocating state credit union is not in compliance with the criteria of subdivision 2, the commissioner may by order require such reciprocating state credit union to discontinue its Minnesota operations by a date certain. The order would be subject to the procedures applicable to cease and desist proceedings pursuant to sections 46.23 to 46.33 and any rules promulgated thereunder.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

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

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

S.F. No. 1814: A bill for an act relating to insurance; automobile; requiring a premium reduction for certain persons who complete an accident prevention course; proposing new law coded in Minnesota Statutes, chapter 65B.

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

as follows:

Page 1, line 14, delete "55" and insert "65"

Page 1, line 20, delete "55" and insert "65"

Page 2, line 3, delete "55" and insert "65"

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

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

S.F. No. 618: A bill for an act relating to public welfare; providing for the establishment of a state foster care advisory council and local review boards under the jurisdiction of juvenile judges; prescribing conditions of membership and duties of board members; requiring agency cooperation; providing for the adoption of supreme court rules; setting limitations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 260.

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

Delete everything after the enacting clause and insert:

"Section 1. [CITIZEN REVIEW BOARD PILOT PROJECT.]

Subdivision 1. [PURPOSE.] The purpose of a citizen review board pilot project is to determine (1) the need for and feasibility of establishing a statewide system of citizen review boards for children placed in substitute care for more than six months; (2) the optimal methods of achieving statewide compliance with the requirements of Public Law 96-272, Sections 427 and 475; (3) a comparison of the citizen review board concept with local social service agency administrative review panels; (4) whether a citizen review facilitates the timely return of children to their birth parents, placement for adoption, or other permanency plans; and (5) whether the citizen review process provides benefits to children that are comparable to those provided by the juvenile court.

Subd. 2. [PILOT PROJECT; ESTABLISHMENT.] The commissioner of public welfare, hereinafter the commissioner, shall establish a citizen review board pilot project in at least one judicial district to be determined by the commissioner. The citizen review boards shall review one-half of the cases of children in substitute care for more than six months in each project district. The other one-half will be reviewed under existing administrative review procedures.

Subd. 3. [CITIZEN REVIEW BOARD.] There shall be one citizen review board for every 75 children eligible for review by a citizen board in each project area. Each board shall consist of five members who are residents of the judicial district and have shown an interest in the welfare of children. Each board shall, to the extent feasible, represent the various socio-economic, racial, and ethnic groups of the district in which it serves. At least one member shall be a foster parent. No more than one person may be employed by the department of public welfare, by a child welfare agency, or by the juvenile court. Board members shall be appointed by the commissioner in

consultation with the administrator of the local social services agency and the presiding judge of the juvenile court. Board members shall be required to attend in-service training sessions sponsored by the commissioner. Board members shall be appointed to serve a term that expires June 30, 1987. Appointments to fill vacancies on the board shall be made in the same manner and subject to the same conditions as the initial appointments to the board. Members shall continue to serve until a successor is appointed. Members of the board shall not receive compensation but shall be reimbursed for expenses.

Subd. 4. [REVIEW.] For purposes of determining what efforts have been made by the supervising agency or child caring institution to carry out the plan for permanent placement of each child subject to review under the project, citizen review boards shall, every six months from the date of the child's initial placement, review the cases of participating children who have resided in public or private foster care for a period of more than six months and who are under the jurisdiction of (1) the commissioner of corrections; (2) the designated social service agency; (3) the commissioner of public welfare pursuant to Minnesota Statutes, section 260.242; or (4) a child placing agency, a facility licensed pursuant to Minnesota Statutes, sections 245.781 to 245.812, a county home school, or a licensed group foster home. All children in care who are subject to citizen board review shall be reviewed within a year and every six months thereafter until the project expires. The review procedure established by this subdivision shall replace administrative reviews required by Minnesota Statutes, section 257.071, subdivision 2, for children reviewed under the pilot project.

Subd. 5. [RETURN OF CHILDREN TO PARENTS; ADOPTION.] Citizen review boards shall encourage and facilitate the timely return to their birth parents of foster children reviewed under this program or, where appropriate, shall encourage the appropriate agency to initiate procedures to make the child free for adoption and to exert maximum effort to place the child for adoption.

Subd. 6. [RECOMMENDATIONS TO JUVENILE COURT AND THE LOCAL SOCIAL SERVICES AGENCY.] The citizen review board shall submit to the juvenile court and the local social services agency, within ten days following review of any placement, findings and recommendations regarding the efforts and progress made by the designated local social services agency to carry out the case placement plan established pursuant to Minnesota Statutes, section 257.071, together with any other recommendations regarding the child. The findings and recommendations shall include the date of the next review; the signature of all persons attending the review; documentation of the procedural safeguards as required in Public Law 96-272, Section 475; and any comments the birth parents or the child wish to communicate to the agency or the court.

Subd. 7. [UNNECESSARY CHANGES IN PLACEMENT.] Citizen review boards shall promote and encourage the department of public welfare and all agencies involved in placing children in foster care to maximize stability and family continuity for children in foster care by discouraging unnecessary changes in the placement of foster children.

Subd. 8. [APPROPRIATENESS OF PLACEMENT.] Citizen review

boards shall review foster care placements and family recruitment policies of agencies involved in placing children for adoption to ensure that the best interests of minority children are met by having due consideration given to their racial and ethnic heritage.

Subd. 9. [INFORMATION ON RIGHTS.] Citizen review boards shall assist the local social services agencies in informing birth parents, foster parents, and other interested parties of their rights and responsibilities with respect to any child in foster care. Birth parents, foster parents, the child, and other interested parties shall be allowed to participate in the review process.

Subd. 10. [DEFICIENCY REPORTS.] Citizen review boards shall report to the department of public welfare, the local social services agency, and other adoptive or foster care agencies deficiencies in the agencies' efforts to secure permanent homes for children whose cases have been reviewed by the board.

Subd. 11. [AGENCY COOPERATION; DATA PRIVACY REQUIREMENTS.] All public and private agencies and institutions that provide or arrange foster care services for children shall cooperate with the citizen review boards by furnishing information required for effective implementation of this section. Information in the possession of a public agency or institution shall be provided pursuant to Minnesota Statutes, section 13.05, subdivision 9, and shall retain the same classification in the possession of a citizen review board as it had in the possession of the public agency or institution. Information supplied by a private agency or institution that identifies an individual shall not be disclosed or disseminated by a citizen review board for any purpose except as required to implement this section.

Subd. 12. [LIMITATIONS.] This section shall not be construed to limit or delay actions by agencies or institutions to arrange for adoptions, foster care, termination of parental rights, or other related matters on their own initiative; or to alter or restrict the duties and authority of those agencies and institutions in those matters.

Subd. 13. [REVIEW; REPORT.] The commissioner shall monitor each pilot project. The commissioner, the local social services agency, and the presiding judge of the juvenile court in each project area shall review the quality, efficiency, and effectiveness of the pilot project. The commissioner shall evaluate the projects and report to the legislature by November 15, 1986. The report shall include: (1) a comparison of the citizen review board process and the local social services agency administrative review panels; (2) the cost-effectiveness of the citizen review board; (3) the effect upon the numbers of children in substitute care for longer than six months; (4) the number of children served; (5) the extent of compliance with federal requirements; (6) the quality and efficiency of the citizen review board pilot projects; and (7) recommendations regarding establishment of citizen review boards statewide in order to maximize achievement of statewide compliance with requirements of Public Law 96-272, Sections 427 and 475.

Sec. 2. [RULES OF THE DEPARTMENT.]

For purposes of the pilot projects the department of public welfare shall promulgate temporary or permanent rules necessary to implement section 1.

Sec. 3. [APPROPRIATION.]

There is appropriated from the general fund to the department of public welfare for the biennium ending June 30, 1985, the sum of \$..... for the purposes of sections 1 and 2 and to facilitate county compliance with applicable requirements of section 1."

Amend the title as follows:

Page 1, line 3, delete everything after "a" and insert "citizen review board pilot project for children placed in substitute care;"

Page 1, delete line 4

Page 1, line 5, delete "juvenile judges;"

Page 1, line 7, delete everything after the semicolon and insert "requiring a report to the legislature;"

Page 1, line 8, delete everything before "appropriating" and after "money" delete the semicolon and insert a period

Page 1, delete lines 9 and 10

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

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

S.F. No. 1451: A bill for an act relating to commerce; providing a lien for agricultural production inputs; establishing priority and foreclosure requirements; amending Minnesota Statutes 1982, section 386.42; and Minnesota Statutes 1983 Supplement, section 336.9-312; proposing new law coded in Minnesota Statutes, chapter 514.

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

Pages 1 to 3, delete section 1

Page 4, line 4, delete "3 to 8" and insert "2 to 7"

Page 4, line 7, after "or" insert "to"

Page 4, after line 23, insert:

"Subd. 6. [LENDER.] "Lender" means a person in the business of lending money."

Page 4, line 25, delete "financial"

Page 4, line 26, delete "institution" and insert "lender"

Page 5, line 2, delete "lien" and insert "lien-notification"

Page 5, line 3, delete "5" and insert "4"

Re-number the subdivisions in sequence

Page 5, line 10, delete "AGRICULTURAL INPUT LIEN; REQUIREMENTS;" and insert "NOTIFICATION; LIEN-NOTIFICATION STATEMENT; EFFECT OF NOTIFICATION.]"

Page 5, delete line 11

Page 5, line 12, delete "OF AN AGRICULTURAL PRODUCTION" and insert "TO LENDER.]"

Page 5, line 13, delete "INPUT LIEN.]"

Page 5, delete lines 14 to 17 and insert "*production input lien by providing a lien-notification statement to the lender in an envelope marked 'IMPOR-TANT-LEGAL NOTICE'. The notice must be made by certified mail or another verifiable method.*"

Page 5, line 25, delete "that was furnished"

Page 5, line 29, delete "legal description or the"

Page 6, delete lines 10 and 11 and insert "*of credit the rights of the lender and the supplier are not affected.*"

Page 6, line 25, delete everything after the period

Page 6, delete lines 26 and 27 and insert "*Agricultural production input liens are a security interest and have priority according to chapter 336, the uniform commercial code, except as provided in subdivision 5.*"

Page 6, line 33, delete "no crops"

Page 6, line 34, delete "exist" and insert "*crops are not planted*"

Page 7, line 12, delete "is"

Page 7, delete lines 13 to 16 and insert "*may not exceed the amount, if any, that the sales price of the livestock exceeds the greater of the fair market value of the livestock at the time the lien attaches or the acquisition price of the livestock.*"

Page 7, line 20, delete "verified"

Page 7, line 29, after "shall" insert "file and"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "including all liens on file in abstract by the county recorder;"

Page 1, line 3, after "establishing" insert "a procedure for"

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete everything before "proposing"

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

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

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

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

Page 1, delete section 1

Page 2, line 26, delete "*being deposed and to*" and delete "*under*" and insert "*in accordance with the requirements of*"

Pages 2 to 4, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "allowing separate"

Page 1, delete lines 3 to 5

Page 1, line 6, delete "property;"

Page 1, line 9, delete everything before "518.167" and insert "section" and delete "; and"

Page 1, line 10, delete "518.58"

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

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

S.F. No. 1560: A bill for an act relating to crimes; subjecting certain property to forfeiture if exchanged for or associated with controlled substances; conforming definitions with other statutes; amending Minnesota Statutes 1982, section 152.19, subdivisions 1, 2, 4, 5, and 8.

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

Page 3, line 33, delete "242.19" and insert "152.19"

Page 4, line 13, after "agency" insert "*that handled the forfeiture*"

Page 4, line 30, before "Proceeds" insert "*One-third of the*"

Page 4, line 32, reinstate the stricken language

Page 4, line 33, reinstate everything before the first stricken "of"

Page 4, line 34, reinstate everything after the stricken "proceeds"

Page 4, lines 35 and 36, reinstate the stricken language

Page 5, line 1, reinstate everything before the stricken "half" and after the stricken "half" insert "*two-thirds*" and reinstate the stricken "of net"

Page 5, line 2, reinstate the stricken "proceeds shall be"

Page 5, line 3, before "and" insert "*the forfeiture proceeding*"

Page 5, line 15, delete "1983" and insert "1984"

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

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

S.F. No. 2125: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1982, sections 14.40; 97.433, subdivision 3; 116C.73; 116D.06, subdivision 1; 123.78, subdivision 1; 156A.04; 161.16, subdivision 4; 169.45; 256C.02; 302A.115, subdivision 3; 327C.02, subdivision 3; 356.23; 356.25; 383A.09, subdivision 5; 412.022, subdivision 1; 501.78, subdivision 4; 524.3-1201; 609.346, subdivision 2; 609.487, subdivision 4; Minnesota Statutes 1983 Supplement, sections 3.9222, subdivision 6; 14.115, subdivisions 5 and 6; 16.872, subdivision 4; 38.04; 41.61, subdivision 1; 51A.51, subdivisions 2 and 3a; 53.03, subdivision 6; 53.04, subdivision 3a; 60A.17, subdivision 6c; 88.644; 102.26, subdivision 3c; 115.071, subdivision 2b; 116J.28, subdivision 3; 124.195, subdivision 10; 124.272, subdivision 3; 124A.14, subdivision 1; 144A.071, subdivision 5; 168.126, subdivision 1; 176.111, subdivision 18; 240.08, subdivision 2; 241.64, subdivisions 1 and 3; 256B.431, subdivisions 2 and 3; 260.185, subdivision 1; 268.04, subdivision 25; 272.02, subdivision 1; 273.118; 290.01, subdivision 19; 290.09, subdivision 5; 290.10; 290.17, subdivision 2; 290A.03, subdivision 3; 297A.01, subdivision 3; 297A.02, subdivision 3; 297A.25, subdivision 1; 325F.09; 393.07, subdivision 1; 420.13; 505.04; 507.235, subdivision 2; 508.421, subdivision 1; 514.221, subdivision 3; 515A.1-102; 518.17, subdivision 5; 543.20, subdivision 2; 558.215; 629.341, subdivision 1; Laws 1980, chapter 451, section 2; Laws 1983, chapters 128, section 36; 289, section 114, subdivision 1; reenacting Minnesota Statutes 1983 Supplement, sections 45.04, subdivision 1; 116J.28; 256.482, subdivision 2; repealing Minnesota Statutes 1982, sections 156A.031, subdivision 2; 377.06; and 480.059, subdivision 3; repealing Minnesota Statutes 1983 Supplement, section 116D.05; Laws 1982, chapter 501, section 20; Laws 1983, chapters 142, sections 5 and 8; 207, sections 6 and 42; 248, section 3; 253, section 22; 259, section 6; 260, sections 15, 47, and 56, subdivision 2; 277, section 2, subdivision 2; 289, section 16; 293, sections 66, 80, and 83; 301, section 66; 312, article 8, section 6.

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

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

S.F. No. 2046: A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; requiring the revisor of statutes to editorially change criminal fines in a manner consistent with 1983 regular session changes made in maximum authorized fines; amending Minnesota Statutes 1982, chapters 1, as amended; 16, as amended; 16A, as amended; 177, as amended; and 300, as amended; and Minnesota Statutes 1982, sections 10.39; 15.375; 80A.22, subdivision 1; 152.15, subdivision 1; 609.20; Minnesota Statutes 1983 Supplement, sections 609.21; 609.52, subdivision 3; 609.582; 617.246, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, sections 10.02; 10.03; 16A.02; 16A.04, subdivisions 2 and 3; 16A.07; 16A.08; 16A.125, subdivision 6; 16A.132; 16A.52; 16A.55; 16A.65, sub-

division 3; and Minnesota Statutes 1983 Supplement, section 609.0341, subdivision 3.

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

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

S.F. No. 1314: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller; providing that the first comptroller would be elected in 1986.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

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

S.F. No. 120: A bill for an act relating to local government; authorizing counties or cities to enact ordinances against trespassing under certain conditions; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 471.

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

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

S.F. No. 1842: A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1982, sections 624.7132, subdivision 16; and 624.717; proposing new law coded in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1982, section 624.718.

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

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

S.F. No. 1492: A bill for an act relating to marriage dissolution; providing for determination and modification of child support; changing laws relating to docketing of judgments for support and maintenance; providing for withholding of support and maintenance from retirement and annuity benefits; providing for the vacating of liens of certain judgments; amending Minnesota Statutes 1982, sections 257.66, by adding a subdivision; 353.15; 354.10; 518.55; 548.13; and 548.17; and Minnesota Statutes 1983 Supplement, sections 256.87, by adding a subdivision; 352.15, subdivision 1; 352B.071; 354A.11; 518.17, subdivision 5; 518.551, subdivisions 5 and 9; 518.611, subdivision 3; 518C.17, subdivision 1; and 548.09, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 548.

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

Page 1, after line 18, insert:

“Section 1. Minnesota Statutes 1982, section 69.62, is amended to read:

69.62 [PENSION PAYMENTS EXEMPT FROM GARNISHMENT PROCESS.]

No payment made or to be made by any fire department relief association in a city of the first class under the provisions of section 69.25 to any member of the pension roll shall be subject to judgment, garnishment, execution, or other legal process, *except as provided in section 518.611*; and no person entitled to this payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.”

Page 1, line 27, delete “518.551, subdivision 5” and insert “25”

Page 2, lines 5 and 6, delete “518.551, subdivision 5” and insert “25”

Page 2, line 12, after “subject” insert “to any state estate tax, or”

Page 2, line 14, strike “or to any state”

Page 2, line 15, strike everything before the period and insert “*except as provided in section 518.611*”

Page 2, line 32, before the period, insert “, *except as provided in section 518.611*”

Page 3, line 2, after “subject” insert “to any state estate tax, or”

Page 3, line 4, strike “or to any state estate”

Page 3, line 5, strike “tax” and insert “*except as provided in section 518.611*”

Page 3, line 33, after the first “from” insert “*taxation under chapter 291 and from*”

Page 3, lines 33 and 34, strike “and from taxation under chapter 291” and insert “, *except as provided in section 518.611*”

Page 4, line 30, before the comma, insert “, *except as provided in section 518.611*”

Page 4, after line 32, insert:

“Sec. 9. Minnesota Statutes 1982, section 422A.24, is amended to read:

422A.24 [ALLOWANCES NOT ASSIGNABLE OR SUBJECT TO EXECUTION PROCESS.]

No moneys payable pursuant to chapter 422A shall be assignable either in law or equity or be subject to execution, levy, attachment, garnishment, or other legal process, *except as provided in section 518.611*, nor shall any of the proceeds of payments due pursuant to this chapter be subject to the inheritance tax provisions of this state upon transfer to a surviving spouse or minor or dependent child of the decedent or a trust for their benefit.

Sec. 10. Minnesota Statutes 1982, section 423.39, is amended to read:

423.39 [FUNDS EXEMPT FROM EXECUTION.]

All payments made or to be made by any such policemen's relief association under any of the provisions of Laws 1947, Chapter 625, shall be totally exempt from garnishment, execution, or other legal process, *except as provided in section 518.611*, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim, or any part thereof, shall be absolutely void.

Sec. 11. Minnesota Statutes 1982, section 423.61, is amended to read:

423.61 [PENSION EXEMPT FROM LEGAL PROCESS.]

All payments made or to be made by any such policemen's relief association under any of the provisions of sections 423.41 to 423.62 shall be totally exempt from garnishment, execution, or other legal process, *except as provided in section 518.611*, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim, or any part thereof, shall be absolutely void.

Sec. 12. Minnesota Statutes 1982, section 423.813, is amended to read:

423.813 [PAYMENTS EXEMPT FROM PROCESS, ASSIGNMENT FORBIDDEN.]

Any payment made by the association under any provision of sections 423.801 to 423.814 is exempt from any legal process, *except as provided in section 518.611*. No person entitled to any such payment may assign the same. The association may not recognize any assignment or pay any sum on account thereof.

Sec. 13. [423A.16] [EXEMPTION FROM ASSIGNMENTS; PROCESS.]

Notwithstanding any law to the contrary, none of the moneys, annuities, or other benefits provided by any police or salaried firefighter's relief association shall be assignable in law or in equity, nor be subject to execution, levy, attachment, garnishment, or other legal process, except as provided in section 518.611.

Sec. 14. Minnesota Statutes 1982, section 424.27, is amended to read:

424.27 [PAYMENTS EXEMPT FROM LEGAL PROCESS.]

All payments made or to be made by any relief associations under any of the provisions of sections 424.01 to 424.29 shall be totally exempt from garnishment, execution, or other legal process, *except as provided in section 518.611*, and no persons entitled to such payment shall have the right to assign the same, nor shall the association have authority to recognize any assignment, or to pay any sum on account thereof; and any attempt to transfer any such right or claim or any part thereof shall be void.

Sec. 15. Minnesota Statutes 1983 Supplement, section 424A.02, subdivision 6, is amended to read:

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONASSIGNABILITY.] The method of calculating service pensions shall be applied uniformly,

except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective fire department, and no person who is receiving a service pension shall be entitled to receive any other benefits from the special fund of the relief association. No service pension or ancillary benefits paid or payable from the special fund of a relief association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution or other legal process, *except as provided in section 518.611*. No person entitled to a service pension or ancillary benefits from the special fund of a relief association may assign any service pension or ancillary benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned."

Page 4, line 35, strike "shall not" and insert "may"

Page 5, line 3, delete "*without first*" and insert "*only after*"

Page 5, line 4, delete "*without*"

Page 5, line 32, delete "to"

Page 5, line 33, delete "*518.551, subdivision 5*" and insert "25"

Page 6, line 29, strike "and over" and insert "- 6000"

Page 6, after line 29, insert:

"Guidelines for support for an obligor with a monthly income of \$6001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$6000."

Page 7, line 3, before "Dependent" insert "*Cost of*"

Page 7, line 5, before "Individual" insert "*Cost of*"

Page 7, line 6, after "or" insert "*an Equivalent Amount for Actual*"

Page 7, line 7, strike "Expense Deductions" and insert "*Expenses*"

Page 7, line 8, strike everything before the period

Page 8, line 1, delete "(2)" and insert "(3)"

Page 8, line 5, before "Any" insert "*The court shall order child support in accordance with the guidelines and any departure therefrom.*" and after "Any" insert "*further*"

Page 8, line 8, delete "*established*" and insert "*ordered*"

Page 8, line 9, delete "*guidelines, or a higher amount as the*" and delete "*may set*"

Page 8, after line 12, insert:

"Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support."

Page 9, line 6, after "(c)" insert a comma

Page 9, line 23, delete "*518.551, subdivision 5*" and insert "25"

Page 10, line 4, delete "*518.551, subdivision 5*" and insert "25"

Page 10, after line 16, insert:

"Sec. 23. Minnesota Statutes 1983 Supplement, section 548.09, subdivision 3, is amended to read:

Subd. 3. [VIOLATIONS BY CLERK.] If the clerk violates this provision, neither the judgment nor the docketing is invalid, *but the clerk shall be liable to a person damaged by the violation in the sum of \$5.*"

Page 10, line 23, delete "spousal"

Page 10, line 30, delete "certified" and delete ", return receipt requested,"

Page 11, lines 22 and 34, delete "spousal"

Page 12, line 1, delete "spousal"

Page 13, line 10, delete "spousal"

Page 13, line 11, delete "354.10" and insert "25"

Page 13, after line 23, insert:

"Sec. 27. [REPEALER.]

Laws 1931, chapter 48, section 5; Laws 1935, chapter 192, section 4; Laws 1943, chapter 397, section 26; Laws 1945, chapter 74, section 5; Laws 1947, chapter 43, section 26; Laws 1949, chapters 87, section 29; 144, section 26; 378, section 26; and 406, section 7, subdivision 3, as amended by Laws 1953, chapter 127, section 7, and Laws 1965, chapter 520, section 1; Laws 1953, chapters 91, section 12; 348, section 22; and 399, section 26; Laws 1955, chapters 75, section 27, as amended by Laws 1965, chapter 190, section 1, and Laws 1969, chapter 138, section 1; 151, section 17; and 375, section 28; Laws 1959, chapter 131, section 22; Laws 1961, chapters 343, section 22, as amended by Laws 1967, chapter 702, section 6; and 631, section 4; Laws 1963, chapters 443, section 22; and 643, section 23; Laws 1965, chapter 605, section 28; Laws 1971, chapter 51, section 14, subdivision 16; Laws 1973, chapter 432, section 7, subdivision 2; Laws 1974, chapter 382, section 7, subdivision 2; Laws 1977, chapter 374, section 15; and Laws 1982, chapter 610, section 18, are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "sections" insert "69.62;"

Page 1, line 10, after "354.10;" insert "422A.24; 423.39; 423.61; 423.813; 424.27;"

Page 1, line 12, after "354A.11;" insert "424A.02, subdivision 6;"

Page 1, line 15, delete "subdivision 1" and insert "subdivisions 1 and 3"

Page 1, line 16, delete "chapter" and insert "chapters 423A and"

Page 1, line 16, before the period, insert "; repealing Laws 1931, chapter 48, section 5; Laws 1935, chapter 192, section 4; Laws 1943, chapter 397, section 26; Laws 1945, chapter 74, section 5; Laws 1947, chapter 43, section 26; Laws 1949, chapters 87, section 29; 144, section 26; 378, section 26; and

406, section 7, subdivision 3, as amended; Laws 1953, chapters 91, section 12; 348, section 22; and 399, section 26; Laws 1955, chapters 75, section 27, as amended; 151, section 17; and 375, section 28; Laws 1959, chapter 131, section 22; Laws 1961, chapters 343, section 22, as amended; and 631, section 4; Laws 1963, chapters 443, section 22; and 643, section 23; Laws 1965, chapter 605, section 28; Laws 1971, chapter 51, section 14, subdivision 16; Laws 1973, chapter 432, section 7, subdivision 2; Laws 1974, chapter 382, section 7, subdivision 2; Laws 1977, chapter 374, section 15; and Laws 1982, chapter 610, section 18"

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

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

S.F. No. 1680: A bill for an act relating to marriage; authorizing a married woman to use her former surname; proposing new law coded in Minnesota Statutes, chapters 325G and 517.

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

Page 1, line 10, after "her" insert "current or" and after "surname" delete "or"

Page 1, line 11, delete "married name"

Page 1, line 13, delete "her" and insert "a"

Page 1, line 14, after the period, insert "Refusal to issue a credit card pursuant to this section constitutes an unfair discriminatory practice under section 363.03, subdivision 8."

Page 1, delete lines 15 to 24 and insert:

"Sec. 2. Minnesota Statutes 1982, section 363.03, subdivision 8, is amended to read:

Subd. 8. [CREDIT; SEX DISCRIMINATION.] It is an unfair discriminatory practice:

(1) to discriminate in the extension of credit to a person because of sex or marital status;

(2) for a credit card issuer to refuse to issue a credit card to a woman under her current or former surname unless there is an intent to defraud or mislead, except that a credit card issuer may require that a woman requesting a card under a former surname open a separate account in that name. A credit card issuer may also require disclosure of any other names under which the credit card applicant may have a credit history.

Sec. 3. Minnesota Statutes 1982, section 363.03, is amended by adding a subdivision to read:

Subd. 8a. [BUSINESS; SEX DISCRIMINATION.] It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service to refuse to do business with or provide a service to a woman based on her use of her current or former surname. It is an unfair

discriminatory practice for a person to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname."

Delete the title and insert:

"A bill for an act relating to discrimination; authorizing a woman to use a current or former surname for purposes of credit or business; prohibiting discrimination on the basis of use of a current or former surname; amending Minnesota Statutes 1982, section 363.03, subdivision 8, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 325G."

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

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

S.F. No. 1776: A bill for an act relating to real property; providing that the mortgage and contract for deed moratorium become permanent law; applying moratorium to holders of any mortgage or contract for deed to homestead property; abolishing exclusionary provision; allowing mortgagor to petition for postponement of foreclosure sale for up to 12 months; allowing catastrophic medical expenses to be considered by a court when determining delay of foreclosure sale; providing that the equity in the property may be considered by a court; abolishing sunset provision; amending Minnesota Statutes 1983 Supplement, sections 47.20, subdivision 15; 559.21, subdivision 6; 580.031; 583.03; 583.04; 583.05; and 583.08; Laws 1983, chapter 215, section 16.

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

Page 1, line 22, reinstate the stricken language

Page 1, line 23, reinstate the stricken "to May 1," and after the stricken "1984" insert "1985"

Page 1, line 24, after the period, insert "*The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.*"

Page 1, line 27, reinstate the stricken language

Page 2, line 1, reinstate the stricken "and prior to May 1," and after the stricken "1984" insert "1985,"

Page 2, line 5, after the period, insert "*The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.*"

Page 2, line 9, reinstate the stricken language

Page 2, line 14, reinstate the stricken "and prior to May 1," and after the stricken "1984" insert "1985"

Page 2, line 15, strike "four" and insert "eight"

Page 2, line 22, reinstate the stricken language

Page 2, line 24, reinstate the stricken language and delete the new language

Page 2, lines 32 to 36, reinstate the stricken language

Page 3, lines 1 to 4, reinstate the stricken language

Pages 3 and 4, delete section 5

Page 5, line 16, reinstate the stricken language and delete the new language

Page 5, line 17, reinstate the stricken "repealed effective July 1," and after the stricken "1984" insert "1985" and reinstate the stricken ", but"

Page 5, line 18, reinstate the stricken language

Page 5, line 19, reinstate the stricken language and delete the new language

Page 5, line 20, delete the new language

Page 5, line 22, delete "8" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "become permanent law" and insert "shall not be repealed until May 1, 1985"

Page 1, delete lines 4 to 7

Page 1, line 8, delete "months;"

Page 1, line 11, delete "abolishing"

Page 1, line 12, delete "sunsetting provision;"

Page 1, line 14, delete "583.04;"

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. 1778 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1778	1627				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1786 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be

given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1786	1431				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1856 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1856	1801				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1633 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1633	1835				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1655 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.
1655	1758				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1655 be amended as follows:

Page 4, line 14, delete the comma and insert a semicolon and delete the semicolon after “and”

Page 4, line 16, delete “five” and insert “5”

Page 4, line 17, delete the comma after “surplus” and delete the comma after “profits” and insert a semicolon and delete the semicolon after “and”

Page 4, line 19, insert “clauses” before “(a)”

Page 4, line 20, delete the comma after “to”

Page 4, line 25, delete the comma and insert a semicolon and delete the semicolon after “and”

Page 4, line 28, delete the comma and insert a semicolon and delete the semicolon after “and”

Page 4, line 29, before “(a)” insert “clauses”

Page 4, line 32, before “(c)” insert “clause”

Page 4, line 33, delete the comma and insert a semicolon and delete the semicolon after “and”

Page 4, line 34, insert “clauses” before “(a)”

Page 14, line 26, delete “driver’s” and insert “drivers”

Page 26, line 19, delete “27” and insert “26”

Amend the title as follows:

Page 1, line 32, delete “and”

And when so amended H.F. No. 1655 will be identical to S.F. No. 1758, and further recommends that H.F. No. 1655 be given its second reading and substituted for S.F. No. 1758, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1347 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.
1347	1318				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1347 be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [518.177] [NOTIFICATION REGARDING DEPRIVATION OF PARENTAL RIGHTS LAW.]

Every court order, whether temporary or final, concerning custody of or visitation with a child or stepchild under the age of 18 shall summarize and

provide notice to parents, stepparents, or guardians of the provisions of section 609.26.

Sec. 2. Minnesota Statutes 1982, section 609.26, is amended to read:

609.26 [OBTAINING OR RETAINING A CHILD DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS.]

Subdivision 1. Whoever intentionally ~~takes, detains or fails to return~~ does any of the following acts is guilty of a felony and may be sentenced as provided in subdivision 5:

(1) ~~conceals his own child or stepchild under the age of 18 years in violation of an existing court order which grants another person rights of custody may be sentenced as provided in subdivision 5 from the other parent, stepparent, or a legal custodian, where the action manifests an intent substantially to deprive that parent, stepparent, or custodian of his rights to the child;~~

(2) ~~takes, obtains, retains, or fails to return his own child or stepchild under the age of 18 in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of public welfare, a child placing agency, or the county welfare board;~~

(3) ~~takes, obtains, retains, or fails to return his own child or stepchild under the age of 18 from or to the parent, stepparent, or person having legal custody or visitation rights under a court order, where the action manifests an intent substantially to deprive that parent, stepparent, or legal custodian of his rights to the child; or~~

(4) ~~takes, obtains, retains, or fails to return his own child or stepchild under the age of 18 from or to a parent or stepparent after being served with process in an action affecting marriage but prior to the issuance of a temporary or final order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent or stepparent of his rights to the child.~~

Subd. 2. [DEFENSES.] *Whoever ~~detains or fails to return a child under the age of 18 years knowing that the physical custody of the child has been obtained or retained by another in violation of subdivision 1 may be sentenced as provided in subdivision 5. No person violates subdivision 1 if the action:~~*

(1) ~~is taken to protect the child or the person taking the action from imminent physical harm or sexual assault;~~

(2) ~~is consented to by the parent, stepparent, or legal custodian seeking prosecution; or~~

(3) ~~is otherwise authorized by a court order.~~

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Subd. 3. [VENUE.] *A person who violates this section may be prosecuted and tried either in the county in which the child was taken, concealed, or detained or in the county of lawful residence of the child.*

Subd. 4. [RETURN OF CHILD; COSTS.] *A child who has been ~~concealed, obtained, or retained in violation of this section shall be returned to the person having lawful custody of the child or shall be taken into custody~~*

pursuant to section 260.165, subdivision 1, paragraph (c), clause (2). In addition to any sentence imposed, the court may assess any expense incurred in returning the child against any person convicted of violating this section. The court may direct the appropriate county welfare agency to provide counseling services to a child who has been returned pursuant to this subdivision.

Subd. 5. [PENALTY.] Whoever violates this section may be sentenced as follows:

~~(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if he voluntarily returns the child within 14 days after he takes, detains or fails to return the child in violation of this section; or~~

~~(2) Otherwise to imprisonment for not more than one year and one day or to payment of a fine of \$1,000 \$3,000, or both.~~

Subd. 6. [REPORTING OF DEPRIVATION OF PARENTAL RIGHTS.] Any violation of this section shall be reported pursuant to section 3.

Sec. 3. Minnesota Statutes 1982, section 626.556, is amended by adding a subdivision to read:

Subd. 3a. [REPORT OF DEPRIVATION OF PARENTAL RIGHTS.] A person mandated to report under subdivision 3, who knows or has reason to know of a violation of section 609.26, shall report the information to the local police department or the county sheriff. Receipt by a local welfare agency of a report or notification of a report of a violation of section 609.26 shall not be construed to invoke the duties of subdivisions 10, 10a, or 10b of this section.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 3 are effective August 1, 1984. Section 2 is effective August 1, 1984, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting a person from depriving another of parental, custodial, or visitation rights; imposing penalties; providing for notification in custody or visitation orders of the deprivation of parental rights laws; requiring violations of the parental rights law to be reported under the child abuse reporting law; imposing a penalty; amending Minnesota Statutes 1982, sections 609.26; and 626.556, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 518."

And when so amended H.F. No. 1347 will be identical to S.F. No. 1318 and further recommends that H.F. No. 1347 be given its second reading and substituted for S.F. No. 1318, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1911 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.
1911	2128				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1911 be amended as follows:

Page 1, line 11, delete "*and convey*" and insert "*by private sale*"

Page 1, line 13, delete "*thereof*" and insert "*, including improvements,*"

And when so amended H.F. No. 1911 will be identical to S.F. No. 2128, and further recommends that H.F. No. 1911 be given its second reading and substituted for S.F. No. 2128, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1325 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.
		1325	1320		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1325 be amended as follows:

Page 1, line 14, strike "*judge of the district or county or county municipal*"

Page 1, line 15, strike "*court*", delete the new language and insert "*person*"

And when so amended H.F. No. 1325 will be identical to S.F. No. 1320, and further recommends that H.F. No. 1325 be given its second reading and substituted for S.F. No. 1320, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1562 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.
1562	1519				

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

mends that H.F. No. 1562 be amended as follows:

Page 1, line 12 to page 3, line 33, delete sections 1 and 2

Page 4, line 11, before "*in*" insert "*residing*"

Page 4, line 17, delete everything after the first "*commissions*"

Page 4, delete lines 18 to 21

Page 4, line 22, delete everything before the period

Page 5, line 18, delete "*still*" and delete everything after "*unpaid*"

Page 5, line 19, delete everything before the period

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, delete lines 6 and 7

Page 1, line 8, delete everything before "*proposing*"

And when so amended H.F. No. 1562 will be identical to S.F. No. 1519, and further recommends that H.F. No. 1562 be given its second reading and substituted for S.F. No. 1519, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1801 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.
1801	1699				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1801 be amended as follows:

Page 5, line 34, after "(4)" insert "*who are*" and after "*engaged in*" insert "*the*"

Page 6, line 1, after "*remodeling*" insert a comma

Page 8, line 22, delete "*3*" and insert "*I*"

And when so amended H.F. No. 1801 will be identical to S.F. No. 1699, and further recommends that H.F. No. 1801 be given its second reading and substituted for S.F. No. 1699, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1293, 2168, 2165, 2149, 1442, 1023, 2153, 1977, 2164, 1754,

1306, 1637, 1814, 1451, 924, 1560, 2125, 2046, 120, 1842, 1492, 1680 and 1776 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1774, 1659, 585, 1778, 1786, 1856, 1633, 1655, 1347, 1911, 1325, 1562 and 1801 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Bertram moved that the names of Messrs. Peterson, C.C. and Pehler be added as co-authors to S.F. No. 1398. The motion prevailed.

Mr. Davis moved that the names of Messrs. Willet and DeCramer be added as co-authors to S.F. No. 1722. The motion prevailed.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 102: A Senate resolution congratulating George Nelson for his participation in the latest Challenger space shuttle mission.

Referred to the Committee on Rules and Administration.

Mr. Laidig introduced—

Senate Resolution No. 103: A Senate resolution congratulating the Ponies girls basketball team from Stillwater High School for participating in the 1984 Class AA Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Peterson, R.W. moved that S.F. No. 989 be taken from the table. The motion prevailed.

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.

Mr. Peterson, R.W. moved that S.F. No. 989 and the recommendations and Conference Committee Report thereon be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

Mr. Jude moved that S.F. No. 1757 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Jude moved that the Senate concur in the amendments by the House to

S.F. No. 1757 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1757: A bill for an act relating to water well contractors; licensing and regulating use of vertical heat exchangers; amending Minnesota Statutes 1982, section 156A.02, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 156A.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

CONSENT CALENDAR

H.F. No. 1985: A bill for an act relating to occupations and professions; regulating the licensing of salons for estheticians; amending Minnesota Statutes 1982, section 155A.08, subdivision 2.

Pursuant to Rule No. 9, there being three objectors, H.F. No. 1985 was stricken from the Consent Calendar and placed at the bottom of General Orders.

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

S.F. No. 1559: A bill for an act relating to public utilities; permitting the public utilities commission to order reimbursement payments to intervenors in telephone rate proceedings; amending Minnesota Statutes 1982, section 237.075, by adding a subdivision.

Mr. Dieterich moved to amend S.F. No. 1559 as follows:

Page 1, line 17, after the period, insert "*No entity which provides tele-*

phone services of any kind is eligible for reimbursement of intervention costs under this subdivision."

The motion prevailed. So the amendment was adopted.

Mr. Dieterich then moved to amend S. F. No. 1559 as follows:

Page 1, line 14, after "case" insert "*or any proceeding which affects residential rates*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Dahl	Johnson, D.J.	Moe, D. M.	Peterson, D.C.	Spear
Dicklich	Knaak	Nelson	Peterson, R.W.	Vega
Dieterich	Lantry	Novak	Pogemiller	
Hughes	Merriam	Pehler	Solon	

Those who voted in the negative were:

Adkins	DeCramer	Kamrath	Olson	Sieloff
Anderson	Diessner	Knutson	Peterson, C.C.	Storm
Belanger	Frank	Kroening	Peterson, D.L.	Stumpf
Benson	Frederick	Kronebusch	Petty	Taylor
Bernhagen	Frederickson	Laidig	Purfeerst	Ulland
Bertram	Freeman	Langseth	Ramstad	Waldorf
Brataas	Isackson	Lessard	Renneke	Wegscheid
Chmielewski	Johnson, D.E.	McQuaid	Samuelson	
Davis	Jude	Mehrkens	Schmitz	

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

Mr. Sieloff moved to amend S.F. No. 1559, as follows:

Page 1, line 14, delete "*the intervenor*" and insert "*but for the assistance rendered by the intervenor the commission would not have reached its final decision in the general rate case.*"

Page 1, delete lines 15 to 17

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Renneke
Belanger	Frederickson	Kronebusch	Peterson, D.L.	Sieloff
Benson	Isackson	Laidig	Petty	
Bernhagen	Johnson, D.E.	McQuaid	Purfeerst	
Chmielewski	Kamrath	Mehrkens	Ramstad	

Those who voted in the negative were:

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

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

S.F. No. 1559 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 40 and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

SPECIAL ORDER

S.F. No. 1520: A bill for an act relating to motor vehicles; defining terms; increasing certain gross vehicle weight tax to comply with international registration plan; authorizing repair and servicing permit for commercial zone trucks; providing time limitation for applying for quarterly registration of farm trucks; increasing certain fees; clarifying display and use of drive-away, in-transit plates; clarifying requirement to submit forms to registrar of motor vehicles; prohibiting transfer of certain plates; providing for transfer of amateur radio and citizen band plates; prescribing uniform fee for issuance of duplicate plates except for exempt vehicles; increasing minimum tax requirements for qualification for installment payments and prescribing a fee; increasing penalty fees for late installment payments; clarifying certain duties of deputy registrars relating to reports and deposits of taxes and fees; requiring payment of one month's registration tax before issuance of certificate of title; requiring protective headgear to comply with standards established by the commissioner of public safety; amending Minnesota Statutes 1982, sections 168.011, subdivisions 9 and 13; 168.013, subdivision 16; 168.018; 168.041, subdivision 6; 168.053, subdivision 1; 168.10, subdivisions 1a, 1b, 1c, and 1d; 168.101, subdivision 2; 168.12, subdivisions 1 and 2b; 168.29; 168.31, subdivision 4; 168.33, subdivision 2; 168A.08; and 169.01, subdivisions 10, 11, and 50; Minnesota Statutes 1983 Supplement, sections 168.013, subdivision 1e; 168.12, subdivision 2; 169.73; and 169.974, subdivisions 2 and 6; repealing Minnesota Statutes 1982, sections 169.672 and 169.755.

Mr. Purfeerst moved to amend S. F. No. 1520 as follows:

Page 15, line 31, strike "the abbreviation of"

The motion prevailed. So the amendment was adopted.

Mr. Purfeerst then moved to amend S. F. No. 1520 as follows:

Page 24, after line 21, insert:

“Sec. 25. Minnesota Statutes 1982, section 169.743, is amended to read:
169.743 [BUG DEFLECTORS.]

Bug deflectors shall be permitted but not required on motor vehicles. No bug deflector shall be sold, offered for sale, or used which is composed of other than non-illuminated material. No person shall operate any motor vehicle equipped with a bug deflector of nontransparent material having more than one inch of material extending above the highest part of the front of the hood, excluding any decorative ornament, and no person shall operate any motor vehicle equipped with a bug deflector of transparent material having more than three inches of material extending above the highest part of the front of the hood, excluding any decorative ornament; *provided that trucks and truck tractors with a gross vehicle weight of 12,000 pounds or more may be operated with a clear, uncolored bug deflector extending no more than six inches above the highest part of the front of the hood, excluding any decorative ornament.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 21, after the semicolon, insert “allowing certain vehicles to operate with an extended bug deflector;”

Page 1, line 29, delete the first “and”

Page 1, line 29, after the third semicolon, insert “and 169.743;”

The motion prevailed. So the amendment was adopted.

Mr. Purfeerst then moved to amend S. F. No. 1520 as follows:

Page 19, after line 24, insert:

“Sec. 16. Minnesota Statutes 1982, section 168.27, subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] No person shall engage in the business of selling or arranging the sale of new motor vehicles or shall offer to sell, solicit, arrange, or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by his franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted.

Sec. 17. Minnesota Statutes 1982, section 168.27, subdivision 3, is amended to read:

Subd. 3. [USED MOTOR VEHICLE DEALER.] No person shall engage in the business of selling *or arranging the sale of* used motor vehicles or shall offer to sell, solicit, *arrange*, or advertise the sale of used motor vehicles without first acquiring a used motor vehicle dealer license. A used motor vehicle dealer licensee shall be entitled thereunder to sell, lease, broker, wholesale or auction and to solicit and advertise the sale, lease, broker, wholesale or auction of any used motor vehicles for consumer use at retail or for resale to a dealer.

Sec. 18. Minnesota Statutes 1982, section 168.27, subdivision 10, is amended to read:

Subd. 10. [PLACE OF DOING BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum,

(1) For a new motor vehicle dealer, the following:

(a) a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours;

(b) a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicles he proposes to sell, broker, wholesale or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services.

(2) For a used motor vehicle dealer the following: ~~a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain or commercial~~ office space ~~for where~~ the books, records and files necessary ~~are kept~~ to conduct the business and maintained with personnel available during normal business hours or automatic telephone answering service during normal working hours.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

~~(4) For a motor vehicle broker, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.~~

~~(5)~~ (4) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

~~(6)~~ (5) For a motor vehicle auctioneer, the following: a permanent enclosed

commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(7) (6) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) (7) If a motor vehicle lessor, ~~broker~~ or auctioneer maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required."

Page 26, line 17, after "sections" insert "168.27, subdivision 5;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after the semicolon insert "eliminating certain provisions relating to motor vehicle brokers;"

Page 1, line 28, after the first semicolon, insert "168.27, subdivisions 2, 3, and 10;"

Page 1, line 33, after "sections" insert "168.27, subdivision 5;"

Mr. Merriam requested division of the amendment as follows:

First portion:

Page 19, after line 24, insert:

"Sec. 16. Minnesota Statutes 1982, section 168.27, subdivision 2, is amended to read:

Subd. 2. [NEW MOTOR VEHICLE DEALER.] No person shall engage in the business of selling or *arranging the sale of* new motor vehicles or shall offer to sell, solicit, *arrange*, or advertise the sale of new motor vehicles without first acquiring a new motor vehicle dealer license. A new motor vehicle dealer licensee shall be entitled thereunder to sell, broker, wholesale or auction and to solicit and advertise the sale, broker, wholesale or auction of new motor vehicles covered by his franchise and any used motor vehicles or to lease and to solicit and advertise the lease of new motor vehicles and any used motor vehicles and such sales or leases may be either for consumer use at retail or for resale to a dealer. Nothing herein shall be construed to require an applicant for a dealer license who proposes to deal in new and unused motor vehicle bodies to have a bona fide contract or franchise in effect with the manufacturer or distributor of any motor vehicle chassis upon which the new and unused motor vehicle body is mounted.

Sec. 17. Minnesota Statutes 1982, section 168.27, subdivision 3, is amended to read:

Subd. 3. [USED MOTOR VEHICLE DEALER.] No person shall engage

in the business of selling *or arranging the sale of* used motor vehicles or shall offer to sell, solicit, *arrange*, or advertise the sale of used motor vehicles without first acquiring a used motor vehicle dealer license. A used motor vehicle dealer licensee shall be entitled thereunder to sell, lease, broker, wholesale or auction and to solicit and advertise the sale, lease, broker, wholesale or auction of any used motor vehicles for consumer use at retail or for resale to a dealer."

Page 26, line 17, after "sections" insert "168.27, subdivision 5;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after the semicolon, insert "eliminating certain provisions relating to motor vehicle brokers;"

Page 1, line 28, after the first semicolon, insert "168.27, subdivisions 2 and 3;"

Page 1, line 33, after "sections" insert "168.27, subdivision 5;"

Second Portion:

Page 19, after line 24, insert:

"Sec. 18. Minnesota Statutes 1982, section 168.27, subdivision 10, is amended to read:

Subd. 10. [PLACE OF DOING BUSINESS.] All licensees under this section shall have an established place of business which shall include as a minimum,

(1) For a new motor vehicle dealer, the following:

(a) a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours;

(b) a bona fide contract or franchise in effect with a manufacturer or distributor of the new motor vehicles he proposes to sell, broker, wholesale or auction;

(c) a facility for the repair and servicing of motor vehicles and the storage of parts and accessories, not to exceed ten miles distance from the principal place of business. Such service may be provided through contract with bona fide operators actually engaged in such services.

(2) For a used motor vehicle dealer the following: a permanent enclosed commercial building on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain or commercial office space for where the books, records and files necessary are kept to conduct the business and maintained with personnel available during normal business hours or automatic telephone answering service during normal working hours.

(3) For a motor vehicle lessor, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an

automatic telephone answering service during normal business hours.

(4) For a motor vehicle broker, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(5) (4) For a motor vehicle wholesaler, the following: a commercial office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(6) (5) For a motor vehicle auctioneer, the following: a permanent enclosed commercial building, within or without the state, on a permanent foundation, owned or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space where the books, records and files necessary to conduct the business are kept and maintained with personnel available during normal business hours or an automatic telephone answering service during normal business hours.

(7) (6) If a new or used motor vehicle dealer maintains more than one place of doing business in a county, the separate places shall be listed on the application. If additional places of business are maintained outside of one county, separate licenses shall be obtained for each county.

(8) (7) If a motor vehicle lessor, broker or auctioneer maintains more than one permanent place of doing business, either in one or more counties, the separate places shall be listed in the application, but only one license shall be required."

Amend the title accordingly.

The question was taken on the adoption of the first portion of the amendment.

The motion prevailed. So the first portion of the amendment was adopted.

Mr. Purfeerst withdrew the second portion of the amendment.

S.F. No. 1520 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 58 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Benson, Frederick, Merriam and Moe, D.M. voted in the nega-

tive.

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

SPECIAL ORDER

H.F. No. 1503: A bill for an act relating to local government; providing for the duties and bonds of city clerks; amending Minnesota Statutes 1982, sections 412.151; and 418.25, subdivision 1.

Mr. Schmitz moved that the amendment made to H.F. No. 1503 by the Committee on Rules and Administration in the report adopted April 9, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1503 was then progressed.

SPECIAL ORDER

H.F. No. 1405: A bill for an act relating to state monuments; adding the "Monument to the Living" in Ramsey County to the list of state monuments; amending Minnesota Statutes 1982, section 138.585, by adding a subdivision.

Mr. Belanger moved to amend H.F. No. 1405, as amended pursuant to Rule 49, adopted by the Senate March 29, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1328.)

Page 1, after line 15, insert:

"Sec. 2. [RELOCATION OF MONUMENT.]

Subject to the approval of the Capitol Area Architectural and Planning Board, the Monument to the Living may be relocated in the Court of Honor of the Veterans Services Building and shall face the Capitol."

The motion prevailed. So the amendment was adopted.

H.F. No. 1405 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 1473: A bill for an act relating to real property; allowing service of summons upon dissolved domestic corporations; amending Minnesota Statutes 1982, section 508.16, subdivision 1.

Ms. Reichgott moved to amend S.F. No. 1473 as follows:

Page 3, after line 34, insert:

“Sec. 2. Minnesota Statutes 1982, section 519.09, is amended to read:

519.09 [DOWER AND CURTESY ABOLISHED.]

All inchoate estates or statutory interests in lieu of dower and curtesy in all lands in this state which have been conveyed prior to January 1, ~~1960~~ 1970, by the husband or wife of the one entitled to such inchoate dower or curtesy, or statutory interest, by a conveyance in writing, are hereby abolished.

Sec. 3. Minnesota Statutes 1982, section 519.101 is amended to read:

519.101 [ACTIONS NOT MAINTAINABLE.]

No action for the recovery of real property, or of any right therein, or the possession thereof, shall be maintained by any person having any estate in dower or by the curtesy or any estate or statutory interest in lieu of dower or by the curtesy therein, or by anyone claiming, by, through or under any such person, where it appears that the husband or wife of such person conveyed such real property, or any interest therein, by a conveyance in writing, prior to the first day of January, ~~1960~~ 1970; and no action shall be maintained for the recovery of real property, or of any right therein, or the possession thereof, by any person claiming by reason of failure of a spouse to join in a conveyance of land which constituted the homestead of the grantor at the time of the conveyance where such conveyance was made prior to January 1, ~~1960~~ 1970, unless such action shall be commenced on or prior to the first day of January, ~~1974~~ 1985, and notice thereof filed for record at the time of the commencement of said action in the office of the county recorder in the county where said real property is situate.”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “amending provisions related to the abolition of dower and curtesy;”

Page 1, line 4, delete “section” and insert “sections” and after “1” insert “; 519.09; and 519.101”

The motion prevailed. So the amendment was adopted.

S.F. No. 1473 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 1365: A bill for an act relating to crimes and criminals; specifying the crime of theft of telecommunications service; amending Minnesota Statutes 1982, section 609.52, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1486: A bill for an act relating to courts; providing for the appeal of various matters to the court of appeals; amending Minnesota Statutes 1983 Supplement, sections 299D.03, subdivision 11; 412.861, subdivision 3; 625.09; 625.11; 625.14; and 629.62.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1452: A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1982, section 524.3-913.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1398: A bill for an act relating to arrests; providing for the arrest of a person charged with a misdemeanor on Sundays or between 10:00 p.m. and 8:00 a.m. on any other day if the person is found on a public highway or street, or in a public place; amending Minnesota Statutes 1983 Supplement, section 629.31.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Dieterich	Knaak	Peterson, D.C.	Schmitz
Berglin	Freeman	Moe, D. M.	Pogemiller	Spear

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1337: A bill for an act relating to landlords and tenants; increasing the interest rate paid by landlords on rental deposits; amending Minnesota Statutes 1982, section 504.20, subdivision 2.

Mr. Wegscheid moved to amend S.F. No. 1337 as follows:

Page 1, line 14, delete "six" and insert "5-1/4"

The motion prevailed. So the amendment was adopted.

S.F. No. 1337 was then progressed.

SPECIAL ORDER

S.F. No. 1832: A bill for an act relating to corrections; clarifying the effect of punitive segregation confinement on the scheduled release date of certain inmates; amending Minnesota Statutes 1982, section 244.04, subdivision 2; and Minnesota Statutes 1983 Supplement, sections 244.04, subdivision 1; and 244.05, subdivision 1.

Mr. Spear moved to amend S.F. No. 1832 as follows:

Page 2, line 26, after "in" insert "punitive"

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 1832 as follows:

Page 1, line 12, strike "Notwithstanding"

Page 1, strike line 13

Page 1, line 14, strike "609.346, subdivision 1, the" and insert "An inmate's" and strike "of any inmate"

Page 1, strike line 15

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for the reduction of prison terms for inmates complying with disciplinary rules;"

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

S.F. No. 1832 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1496: A bill for an act relating to state lands; providing for the lease of certain state land to the city of Pillager.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1460: A bill for an act relating to state lands; providing for the conveyance of certain land in International Falls.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1670: A bill for an act relating to transportation; expanding scope of state commuter van transportation program; amending Minnesota Statutes 1982, section 16.756, subdivisions 1, 1a, and 2; and repealing Minnesota Statutes 1982, section 16.756, subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1784: A bill for an act relating to traffic regulations; defining term; setting speed limit for alleyway; amending Minnesota Statutes 1982, section 169.01, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 169.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1503: A bill for an act relating to local government; providing for the duties and bonds of city clerks; amending Minnesota Statutes 1982, sections 412.151; and 418.25, subdivision 1.

Mr. Sieloff moved to amend H.F. No. 1503 as follows:

Page 2, line 20, delete "*corporate surety*" and insert "*fidelity*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1503 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1491: A bill for an act relating to highway traffic regulations; authorizing an increase in driver improvement clinic fees; amending Minnesota Statutes 1982, section 169.972, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1642: A bill for an act relating to highway traffic regulations; providing for breath tests to be administered using an infrared breath-testing instrument for the purpose of determining the presence of alcohol or a controlled substance; authorizing the results of infrared breath-tests to be admissible into evidence in civil and criminal hearings; amending Minnesota Statutes 1982, sections 169.01, by adding a subdivision; 169.121, subdivision 6; 169.123, subdivisions 4, 5a, and by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 169.121, subdivision 2; 169.123, subdivisions 2 and 3; proposing new law coded in Minnesota Statutes, chapter 634.

Mr. Peterson, R. W. moved to amend S.F. No. 1642 as follows:

Page 2, line 25, delete "4" and insert "5"

The motion prevailed. So the amendment was adopted.

S.F. No. 1642 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 1495: A bill for an act relating to labor; providing for occupational

safety and health; regulating infectious agents; amending Minnesota Statutes 1983 Supplement, section 182.653, subdivisions 4b, 4c, and 4f; and 182.654, subdivision 11.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1435: A bill for an act relating to motor vehicles; authorizing operation of farm truck with class C drivers' license by employee operating truck during harvest; amending Minnesota Statutes 1982, section 171.02, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Olson	Sieloff
Anderson	Dieterich	Kroening	Pehler	Solon
Belanger	Frank	Kronebusch	Peterson, C. C.	Spear
Benson	Frederick	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
Chmielewski	Johnson, D. E.	Mehrkens	Purfeerst	Waldorf
Dahl	Johnson, D. J.	Merriam	Ramstad	Wegscheid
Davis	Jude	Moe, D. M.	Reichgott	Willet
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Novak	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1759: A bill for an act relating to motor vehicles; changing display period for license plates on certain motor vehicles; changing period of time when registration tax is payable for certain motor vehicles; abolishing the

penalty for late or delayed registration or payment of the registration tax; amending Minnesota Statutes 1982, sections 168.09, subdivisions 2 and 3; 168.10, subdivision 1; and 168.31, subdivision 1; repealing Minnesota Statutes 1982, section 168.31, subdivision 3.

Ms. Reichgott moved to amend S.F. No. 1759 as follows:

Page 4, line 18, reinstate the stricken "45" and delete "90" and after the period insert "*Nothing in this section shall preclude prepayment.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1759 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1485: A bill for an act relating to towns; providing for the election and term of office for the town clerk and treasurer; amending Minnesota Statutes 1982, section 367.03, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1611: A bill for an act relating to commerce; manufactured homes; clarifying provisions relating to manufactured home safety features; amending Minnesota Statutes 1983 Supplement, sections 327C.02, subdivision 5; and 327C.07, subdivisions 3a and 8.

Mr. Novak moved to amend H.F. No. 1611, as amended pursuant to Rule 49, adopted by the Senate March 29, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1508.)

Page 7, line 34, delete "and 2" and insert "to 3"

The motion prevailed. So the amendment was adopted.

H.F. No. 1611 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 1526: A bill for an act relating to energy; directing the legislative commission on energy to prepare a policy statement on the expenditure of federal money for energy programs; requiring review of state plans to spend federal energy money; amending Minnesota Statutes 1982, section 3.351, by adding subdivisions.

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 35 and nays 24, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Frederick	Knaak	Moe, D. M.	Storm
Belanger	Frederickson	Knutson	Olson	Taylor
Berg	Johnson, D.E.	Kronebusch	Ramstad	Ulland
Bernhagen	Jude	Laidig	Renneke	Waldorf
Dieterich	Kamrath	McQuaid	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1823: A bill for an act relating to county humane societies; allowing for an increase in the appropriation a county may give to a county humane society in any year; amending Minnesota Statutes 1982, section 343.11.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1659: A bill for an act relating to the city of Duluth; authorizing the Duluth city council to permit the on-sale of liquor at the St. Louis County Heritage and Arts Center by on-sale licensees in the city of Duluth.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, C.C. voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1654: A bill for an act relating to the city of Roseville; authorizing additional on-sale intoxicating liquor licenses.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski and Peterson, C.C. voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1768: A bill for an act relating to public utilities; amending the definition of public utility; amending Minnesota Statutes 1983 Supplement, section 216B.02, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 977: A bill for an act relating to liquor; authorizing the city of

Farmington to issue a club on-sale license to an Eagles Club.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Chmielewski	Isackson	Peterson, C. C.	Renneke
Bernhagen				

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1740: A bill for an act relating to public safety; providing immunity from liability for persons who render assistance in dangerous incidents involving hazardous materials; amending Minnesota Statutes 1983 Supplement, section 60A.05, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1913: A bill for an act relating to state departments; providing statutory changes requested by commissioner of administration required by reorganization orders; amending Minnesota Statutes 1982, sections 60A.15.

subdivisions 1, 2, 8, 9, 10, and by adding a subdivision; 69.021, subdivision 2; 69.031, subdivision 6; 116C.03, subdivision 4; 116J.64, subdivisions 5 and 7; and 161.20, subdivision 4; Minnesota Statutes 1983 Supplement, sections 60A.15, subdivision 12; 116C.03, subdivision 2; 116J.01, subdivision 3; 116J.42, subdivisions 4 and 9; 161.465; and 299A.04; Laws 1983, chapter 289, section 115, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1982, section 116C.04, subdivisions 5 and 6.

Mr. Storm moved to amend S.F. No. 1913 as follows:

Page 8, line 3, delete "is" and insert "may not be"

Page 8, delete lines 4 to 16 and insert "Any employees or funds transferred to the state planning agency by executive order must be transferred back to the environmental quality board."

Page 9, delete section 4

Page 14, lines 6 and 7, delete "energy and economic development" and insert "public welfare"

Amend the title as follows:

Page 1, line 14, delete the semicolon

Page 1, delete line 15

Page 1, line 16, delete everything before the period

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

Mr. Ulland moved to amend S.F. No. 1913 as follows:

Page 12, after line 16, insert:

"(8) On September 1 of each year, the commissioner of energy and economic development shall report to the department of finance:

(a) the amount of money spent on foreign travel during the preceding fiscal year;

(b) the names of the individuals who traveled;

(c) where the individuals traveled to; and

(d) the purposes of the trips."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring reports on travel;"

Mr. Frank questioned whether the amendment was germane. The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Laidig	Ramstad
Anderson	Diessner	Jude	McQuaid	Renneke
Belanger	Dieterich	Kamrath	Mehrkins	Sieloff
Berg	Frederick	Knaak	Olson	Storm
Bernhagen	Frederickson	Knutson	Peterson, D.L.	Taylor
Chmielewski	Isackson	Kronebusch	Peterson, R.W.	Ulland

Those who voted in the negative were:

Berglin	Hughes	Merriam	Petty	Stumpf
Bertram	Johnson, D.J.	Moe, D. M.	Pogemiller	Vega
Davis	Kroening	Moe, R. D.	Purfeerst	Waldorf
DeCramer	Langseth	Novak	Reichgott	Wegscheid
Dicklich	Lantry	Pehler	Samuelson	Willet
Frank	Lessard	Peterson, C.C.	Solon	
Freeman	Luther	Peterson, D.C.	Spear	

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

S.F. No. 1913 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 19, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Pehler	Spear
Berglin	Frank	Langseth	Peterson, D.C.	Taylor
Bertram	Frederickson	Lantry	Peterson, R.W.	Vega
Chmielewski	Freeman	Lessard	Petty	Wegscheid
Dahl	Hughes	Luther	Pogemiller	Willet
Davis	Johnson, D.E.	McQuaid	Purfeerst	
DeCramer	Johnson, D.J.	Moe, D. M.	Reichgott	
Dicklich	Jude	Moe, R. D.	Samuelson	
Diessner	Kroening	Novak	Solon	

Those who voted in the negative were:

Anderson	Frederick	Laidig	Peterson, D.L.	Storm
Belanger	Kamrath	Mehrkens	Ramstad	Ulland
Berg	Knaak	Merriam	Renneke	Waldorf
Bernhagen	Knutson	Olson	Sieloff	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Luther moved that H. F. No. 559 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H.F. NO. 559

A bill for an act relating to courts; providing for interest rates on judgments; amending Minnesota Statutes 1982, section 549.09, subdivision 1.

May 23, 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. 559, 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. 559 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 549.09, subdivision 1, is

amended to read:

Subdivision 1. [WHEN OWED; RATE.] (a) When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk as provided in ~~this section~~ clause (c) and added to the judgment. (b) *Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest on pecuniary damages shall be computed as provided in clause (c) from the time of the commencement of the action, except as provided herein. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counter-offer within 60 days. After that time interest on the judgment shall be calculated by the judge in the following manner. The prevailing party shall receive interest on any judgment from the time the action was commenced or as to special damages from the time when special damages were incurred, if later than commencement of the action, until the time of verdict or report only if the amount of its offer is closer to the judgment than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment, whichever is less, and only from the time the action was commenced or as to special damages from when the special damages were incurred if later than commencement of the action until the time the settlement offer was made. Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest shall not be awarded on the following:*

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;

(2) judgments, decrees, or orders in dissolution, annulment, or legal separation actions;

(3) punitive damages, fines, or other damages that are noncompensatory in nature;

(4) judgments not in excess of the amount specified in section 487.30; and

(5) *that portion of any verdict or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court.* (c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year; provided, however, that in no event shall the rate of interest be less than eight percent per annum. The state court administrator shall communicate the interest rate to the clerks of court for their use in computing the interest on verdicts.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1983, and interest shall begin to accrue as

of that date on any pending claims or causes of action."

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

House Conferees: (Signed) Jerry Schoenfield, Terry Dempsey, Robert E. Vanasek

Senate Conferees: (Signed) William P. Luther, Jim Ramstad, Michael O. Freeman

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H.F. No. 559 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. 559 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 37 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Luther	Peterson, R.W.	Spear
Belanger	Hughes	Merriam	Petty	Stumpf
Berglin	Johnson, D.J.	Moe, R. D.	Pogemiller	Vega
Dahl	Jude	Nelson	Purfeerst	Wegscheid
Davis	Kroening	Novak	Ramstad	Willet
DeCramer	Langseth	Pehler	Reichgott	
Dicklich	Lantry	Peterson, C.C.	Samuelson	
Dieterich	Lessard	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Diessner	Kamrath	Mehrken	Taylor
Benson	Frank	Knaak	Olson	Ulland
Berg	Frederick	Knutson	Peterson, D.L.	Waldorf
Bernhagen	Frederickson	Kronebusch	Renneke	
Bertram	Isackson	Laidig	Sieloff	
Chmielewski	Johnson, D.E.	McQuaid	Storm	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

Messrs. DeCramer and Davis introduced—

S.F. No. 2207: A resolution memorializing the President and Congress of the United States to adopt on an emergency basis a public policy of preserving the family farm as an invaluable natural resource.

Referred to the Committee on Agriculture and Natural Resources.

Ms. Peterson, D.C. introduced—

S.F. No. 2208: A bill for an act relating to occupations and professions; providing for licensing of electrologists; providing penalties; proposing new law coded in Minnesota Statutes, chapter 148.

Referred to the Committee on Economic Development and Commerce.

MEMBERS EXCUSED

Mr. Berg was excused from the Session of today until 1:30 p.m. Mrs. Brataas was excused from the Session of today from 12:00 noon to 3:00 p.m. Mr. Dahl was excused from the Session of today until 10:30 a.m. Mr. Knaak was excused from the Session of today from 12:00 noon to 12:40 p.m. Mr. Nelson was excused from the Session of today from 2:15 to 3:00 p.m. Mr. Pogemiller was excused from the Session of today from 10:00 to 10:45 a.m. Ms. Reichgott was excused from the Session of today from 10:40 to 11:20 a.m. Mr. Schmitz was excused from the Session of today at 1:45 p.m. Mr. Willet was excused from the Session of today from 10:45 to 11:30 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 11, 1984. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate