

## SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Saturday, April 14, 1984

The Senate met at 11:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

Mr. Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Senator Dean E. Johnson.

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

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

The President declared a quorum present.

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

### 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. 506, 1768, 2145, 1832, 1196, 1740 and 1927.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1984

Mr. President:

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

S.F. No. 1454: A bill for an act relating to public welfare; authorizing the commissioner to enter into interstate adoption compacts; establishing procedures for interstate assistance payments; amending Minnesota Statutes 1983 Supplement, section 256B.06, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 259.

Senate File No. 1454 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1984

### CONCURRENCE AND REPASSAGE

Mr. Diessner moved that the Senate concur in the amendments by the House to S.F. No. 1454 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1454 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 41 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kronebusch	Peterson, D.L.	Ulland
Anderson	Diessner	Lantry	Peterson, R.W.	Vega
Belanger	Dieterich	Lessard	Petty	Waldorf
Benson	Frank	Luther	Pogemiller	Wegscheid
Berg	Frederickson	Mehrkens	Renneke	Willet
Bernhagen	Hughes	Merriam	Samuelson	
Bertram	Isackson	Nelson	Schmitz	
Chmielewski	Johnson, D.E.	Olson	Spear	
Dahl	Johnson, D.J.	Pehler	Taylor	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 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.

Senate File No. 1495 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1984

### CONCURRENCE AND REPASSAGE

Mr. Diessner moved that the Senate concur in the amendments by the House to S.F. No. 1495 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1495 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, D.L.	Sieloff
Anderson	Frank	Lessard	Peterson, R.W.	Spear
Benson	Frederickson	Luther	Petty	Stumpf
Bernhagen	Freeman	Mehrkens	Pogemiller	Taylor
Bertram	Hughes	Merriam	Purfeerst	Ulland
Chmielewski	Isackson	Nelson	Reichgott	Vega
Dahl	Johnson, D.E.	Olson	Renneke	Waldorf
Davis	Johnson, D.J.	Pehler	Samuelson	Wegscheid
DeCramer	Kronebusch	Peterson, D.C.	Schmitz	Willet

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1950, 1579, 600, 1454, 1721, 1846, 2009, 2122, 1743, 1803, 1839, 1878, 1946, 1974, 1352, 1502, 1373, 1680, 1806, 2148, 322, 1853, 1619, 1656 and 1875.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1984

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1950: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1680, now on Special Orders.

H.F. No. 1579: 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 604.05, subdivision 2.

Mr. Johnson, D.J. moved that H.F. No. 1579 be laid on the table. The

motion prevailed.

H.F. No. 600: A bill for an act relating to state income tax refunds; requiring proper notice before the state can collect debts by taking tax refunds; amending Minnesota Statutes 1982, sections 270A.04, subdivision 2; and 270A.08, subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1454: A bill for an act relating to taxation; providing for timely payment of certain withholding income taxes; amending Minnesota Statutes 1983 Supplement, section 290.92, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1721: A bill for an act relating to real property; providing notice of certain tax-forfeited land sales; proposing new law coded in Minnesota Statutes, chapter 282.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1846: A bill for an act relating to taxation; authorizing use of proceeds of the taconite occupation tax for economic development loans to businesses; amending Minnesota Statutes 1982, section 298.17.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1606, now on Special Orders.

H.F. No. 2009: A bill for an act relating to taxation; modifying and clarifying the small business investment credits; amending Minnesota Statutes 1983 Supplement, section 290.069, subdivisions 1, 2, 4, 5, and by adding subdivisions.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2122: A bill for an act relating to local government; providing for the distribution of certain federal payments in lieu of property taxes; proposing new law coded in Minnesota Statutes, chapter 471.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1743: A bill for an act relating to occupations and professions; removing an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1983 Supplement, section 82.18.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1781, now on Special Orders.

H.F. No. 1803: A bill for an act relating to Kandiyohi County; permitting the county to abate and cancel liens filed against property benefited by county ditches 10 and 46.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1808, now on Special Orders.

H.F. No. 1839: A bill for an act relating to St. Louis County; permitting the county to establish an emergency jobs program.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1755, now on Special Orders.

H.F. No. 1878: A bill for an act relating to building officials; providing for continuing education; amending Minnesota Statutes 1982, section 16.861, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1661, now on Special Orders.

H.F. No. 1946: A bill for an act relating to the governor; transferring the authority to make certain appointments to various commissioners; providing for filling a membership vacancy on a board reoccurring within three months after the vacancy has been filled; amending Minnesota Statutes 1982, sections 1.35; 15.0575, by adding a subdivision; 16.71, subdivision 1; 121.934, subdivision 1; 182.656, subdivision 1; and 326.33, subdivision 1; Minnesota Statutes 1983 Supplement, sections 16.911, subdivision 1; 116E.02, subdivision 1; and 299B.05, subdivision 1; repealing Minnesota Statutes 1982, section 116E.02, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1982, now on Special Orders.

H.F. No. 1974: A bill for an act relating to energy; defining residence; establishing energy efficiency standards for public housing; amending Minnesota Statutes 1982, sections 116J.27, subdivisions 1 and 4; and 116J.30, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1681, now on Special Orders.

H.F. No. 1352: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1306, now on Special Orders.

H.F. No. 1502: A bill for an act relating to children; providing special foster care and adoption procedures for Indian children; proposing new law coded in Minnesota Statutes, chapter 257.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1491, now on Special Orders.

H.F. No. 1373: A bill for an act relating to commerce; requiring state agencies to make prompt payment for the purchase or lease of goods and services; requiring agencies to pay interest penalties on late payments; proposing new law coded in Minnesota Statutes, chapter 16A.

Referred to the Committee on Governmental Operations.

H.F. No. 1680: A bill for an act relating to taxation; income; changing withholding on pari-mutuel winnings; amending Minnesota Statutes 1983 Supplement, section 290.92, subdivisions 27 and 28; and Minnesota Statutes 1982, section 290.61.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1806: A bill for an act relating to public welfare; amending the reporting of maltreatment of minors act; clarifying the roles of law enforcement and local welfare agencies; requiring law enforcement agencies to fol-

low certain procedures when interviewing minors on school property; clarifying language; amending Minnesota Statutes 1982, section 626.556, subdivisions 3 and 11; amending Minnesota Statutes 1983 Supplement, section 626.556, subdivisions 1, 2, 4, and 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1836, now on Special Orders.

H.F. No. 2148: A bill for an act relating to insurance; authorizing the use of smoker and nonsmoker mortality tables; coordinating payments by primary and secondary health insurers; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2054, now on Special Orders.

H.F. No. 322: A bill for an act relating to local government; prohibiting cities and counties from establishing residency requirements as a condition of employment; amending Minnesota Statutes 1982, section 415.16.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2091, now on Special Orders.

H.F. No. 1853: A bill for an act relating to public welfare; providing for rulemaking authority for the Community Social Services Act; amending Minnesota Statutes 1982, section 256E.05, subdivision 1.

Referred to the Committee on Finance.

H.F. No. 1619: A bill for an act relating to state government; providing for a member, 60 years of age or over, to serve on certain state boards, commissions, advisory councils, task forces, or committees; proposing new law coded in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations.

H.F. No. 1656: A bill for an act relating to commerce; motor fuel franchises; providing for a temporary prohibition on certain building alterations that eliminate service bays.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1652, now on Special Orders.

H.F. No. 1875: A bill for an act relating to certain counties; providing for changes in the administration of county nursing homes and the issuance of general obligation bonds for such homes; authorizing the establishment of facilities for the provision of supportive services; allowing for a change in the reporting year for municipal nursing homes; amending Minnesota Statutes 1982, sections 376.55; 376.56; 376.57; 376.58; 376.59; 376.60; and 471.696; repealing Minnesota Statutes 1982, sections 376.573; 376.61; 376.62; 376.63; 376.64; 376.65; and 376.66.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2078, now on Special Orders.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted. The motion prevailed.

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

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

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. 2108: A bill for an act relating to civil commitment; providing for status review of persons residing in state facilities pursuant to an order of guardianship; amending Laws 1982, chapter 581, section 26, as amended.

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 253B.02, is amended by adding a subdivision to read:

*Subd. 21. [PASS.] “Pass” means any authorized temporary, unsupervised absence from a treatment facility.*

Sec. 2. Minnesota Statutes 1982, section 253B.02, is amended by adding a subdivision to read:

*Subd. 22. [PASS PLAN.] “Pass plan” means the part of a treatment plan for a person who has been committed as mentally ill and dangerous that specifies the terms and conditions under which the patient may be released on a pass.*

Sec. 3. Minnesota Statutes 1982, section 253B.02, is amended by adding a subdivision to read:

*Subd. 23. [PASS-ELIGIBLE STATUS.] “Pass-eligible status” means the status under which a person committed as mentally ill and dangerous may be released on passes after approval of a pass plan by the head of a treatment facility.*

Sec. 4. Minnesota Statutes 1983 Supplement, section 253B.07, subdivision 7, is amended to read:

*Subd. 7. [PRELIMINARY HEARING.] (a) No proposed patient may be held pursuant to subdivision 6 for longer than 72 hours, exclusive of Saturdays, Sundays, and legal holidays, unless the court holds a preliminary hearing and determines that probable cause exists to continue to hold him.*

*(b) The proposed patient, his counsel, the petitioner, the county attorney, and any other persons as the court directs shall be given at least 24 hours written notice of the preliminary hearing. The notice shall include the alleged grounds for confinement. The proposed patient shall be represented at the preliminary hearing by counsel. If the court finds it to be reliable, it may admit hearsay evidence, including written reports.*

(c) *The court, on its motion or on motion of any party, may exclude or excuse a respondent who is seriously disruptive or who is totally incapable of comprehending and participating in the proceedings. In such instances, the court shall, with specificity on the record, state the behavior of respondent or other circumstances justifying proceeding in the absence of the respondent.*

(d) *The court may order the continued holding of the proposed patient if it finds, by a preponderance of the evidence, that serious imminent physical harm to the patient or others is likely if the proposed patient is not confined. The fact that a proposed patient was acquitted of a crime against the person under section 611.026 immediately preceding the filing of the petition constitutes evidence that serious imminent physical harm to the patient or others is likely if the proposed patient is not confined and shifts the burden of going forward in the presentation of evidence to the proposed patient; provided that the standard of proof remains as required by this chapter.*

Sec. 5. Minnesota Statutes 1982, section 253B.08, subdivision 5, is amended to read:

Subd. 5. [ABSENCE PERMITTED.] (a) *The court may permit the proposed patient to waive his right to attend the hearing if it determines that the waiver is freely given. All waivers shall be on the record. At the time of the hearing the patient shall not be so under the influence or suffering from the effects of drugs, medication, or other treatment so as to be hampered in participating in the proceedings. When in the opinion of the licensed physician or licensed consulting psychologist attending the patient the discontinuance of drugs, medication, or other treatment is not in the best interest of the patient, the court, at the time of the hearing, shall be presented a record of all drugs, medication or other treatment which the patient has received during the 48 hours immediately prior to the hearing.*

(b) *The court, on its own motion or on motion of any party, may exclude or excuse a respondent who is seriously disruptive or who is totally incapable of comprehending and participating in the proceedings. In such instances, the court shall, with specificity on the record, state the behavior of respondent or other circumstances justifying proceeding in the absence of the respondent.*

Sec. 6. Minnesota Statutes 1982, section 253B.18, is amended by adding a subdivision to read:

Subd. 4a. [RELEASE ON PASS; NOTIFICATION.] *A patient who has been committed as mentally ill and dangerous and who is confined at the Minnesota security hospital shall not be released on a pass unless the pass is part of a pass plan that has been approved by the medical director of the Minnesota security hospital. At least ten days prior to a determination on the plan, the medical director shall notify the committing court, the county attorney of the county of commitment, an interested person, the petitioner, and the petitioner's counsel of the plan, the nature of the passes proposed, and their right to object to the plan. If any notified person objects prior to the proposed date of implementation, the person shall have an opportunity to appear, personally or in writing, before the medical director, within ten days of the objection, to present grounds for opposing the plan. The pass plan shall not be implemented until the objecting person has been furnished that opportunity.*

Sec. 7. Minnesota Statutes 1982, section 253B.18, is amended by adding a



subdivision to read:

*Subd. 4b. [PASS-ELIGIBLE STATUS; NOTIFICATION.] The following patients committed to the Minnesota security hospital shall not be placed on pass-eligible status unless that status has been approved by the medical director of the Minnesota security hospital:*

*(a) a patient who has been committed as mentally ill and dangerous and who*

*(1) was found not guilty by reason of mental illness of a felony immediately prior to the filing of the commitment petition;*

*(2) was convicted of a felony immediately prior to or during his commitment as mentally ill and dangerous; or*

*(3) is subject to a commitment to the commissioner of corrections; and*

*(b) a patient who has been committed as a psychopathic personality, as defined in section 526.09.*

*At least ten days prior to a determination on the status, the medical director shall notify the committing court, the county attorney of the county of commitment, an interested person, the petitioner, and the petitioner's counsel of the proposed status, and their right to request review by the special review board. If within ten days of receiving notice any notified person requests review by filing a notice of objection with the commissioner and the head of the treatment facility, a hearing shall be held before the special review board. The proposed status shall not be implemented unless it receives a favorable recommendation by a majority of the board and approval by the commissioner. The status shall be deemed approved by the commissioner unless he orders otherwise within 30 days of the request for review. Any patient aggrieved by the head of the treatment facility's failure to approve a pass-eligible status may seek approval of the status by petitioning the special review board. The order of the commissioner is appealable as provided in section 253B.19.*

Sec. 8. Minnesota Statutes 1983 Supplement, section 525.619, is amended to read:

#### 525.619 [POWERS AND DUTIES OF GUARDIAN OF MINOR.]

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his minor and unemancipated child, except that a guardian is not legally obligated to provide from his own funds for the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

(a) He must take reasonable care of his ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.

(b) He may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. He also may receive money or property of the ward paid or delivered by virtue of section 525.6196. Any sums so received shall be applied to the ward's current needs for support, care and education. He must

exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case the excess shall be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(c) The guardian is empowered to facilitate the ward's education, social, or other activities and to authorize medical or other professional care, treatment or advice. A ward *who is less than 16 years of age may be admitted to a treatment facility as an informal patient according to section 253B.04* but may not be committed to any state institution except pursuant to chapter 253B ~~and~~. No guardian may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by the order of the court, after a hearing as prescribed by section 525.56, subdivision 2.

A guardian is not liable by reason of his consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented, or unless he fails to comply with the requirements of this section which provide that a court order is necessary for commitment and for certain types of medical procedures. A guardian may consent to the marriage or adoption of his ward.

(d) A guardian must report the condition of his ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on its own motion or on petition of any person interested in the minor's welfare and as required by court rule.

Sec. 9. Laws 1982, chapter 581, section 26, as amended by Laws 1983, chapter 251, section 27, is amended to read:

Sec. 26. [EFFECTIVE DATE.]

This act is effective August 1, 1982 and applies to any conduct, transaction, or proceeding within its terms which occurs after August 1, 1982. A proceeding for the commitment of a person to a treatment facility commenced before August 1, 1982, is governed by the law existing at the time the proceeding was commenced; provided, however, that if the proceedings are not terminated by August 1, 1983, they shall thereafter be governed by the provisions of sections 1 to 23. Any person, other than a person committed as mentally ill and dangerous, who was committed pursuant to chapter 253A and whose term of commitment is indeterminate shall have his status reviewed pursuant to the provisions of section 12 prior to February 1, 1984.

*For persons 16 years or older, involuntarily residing in a regional center pursuant to an order of guardianship, and not committed pursuant to an order issued under Minnesota Statutes, chapter 253B, or Minnesota Statutes 1980, chapter 253A, the following review procedures will apply:*

(a) *The person shall have a commitment hearing according to Minnesota Statutes, section 253B.08, prior to August 1, 1985. The head of the regional center shall notify the responsible county which shall initiate the petition for commitment.*

*(b) The person shall be deemed to be legally committed to the head of the regional center until the committing court issues an appropriate judgment according to Minnesota Statutes, section 253B.09, or until August 1, 1985, whichever date occurs first.*

*(c) A finding by the committing court that the individual does not satisfy the commitment criteria of Minnesota Statutes, chapter 253B, shall not terminate the guardianship or constitute a restoration to capacity. An order of restoration to capacity may only be obtained under Minnesota Statutes, section 525.61.*

*If the committing court finds that the individual does not satisfy the commitment criteria set forth in Minnesota Statutes, section 253B, the court, by order shall immediately notify the county welfare board. The designated agency shall locate an appropriate community placement within 90 days of notification by the guardian. Until an appropriate placement is available, the ward may continue to reside in the regional center in which the ward resided prior to the commitment hearing.*

Sec. 10. [EFFECTIVE DATE.]

*Sections 4, 5, 8, and 9 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to civil commitment; establishing procedures for passes for persons committed as mentally ill and dangerous; permitting respondents to be absent from hearings under certain conditions; clarifying the conditions under which a guardian may place a minor ward in certain treatment facilities; providing for status review of persons residing in state facilities pursuant to an order of guardianship; amending Minnesota Statutes 1982, sections 253B.02, by adding subdivisions; 253B.08, subdivision 5; and 253B.18, by adding subdivisions; Minnesota Statutes 1983 Supplement, sections 253B.07, subdivision 7; and 525.619; and Laws 1982, chapter 581, section 26, as amended."

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

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

S.F. No. 1457: A bill for an act relating to agriculture; authorizing the energy and economic development authority to purchase, make, or participate in farm loans and to issue bonds or notes for this purpose; amending Minnesota Statutes 1982, sections 116J.88, by adding a subdivision; 116J.90, by adding subdivisions; Minnesota Statutes 1983 Supplement, sections 116J.88, subdivisions 7 and 7a; and 116J.90, subdivision 3.

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

Page 1, line 15, reinstate the stricken comma and delete the new language, and before the reinstated comma, insert "or farm loan"

Page 2, line 8, delete the comma and insert "or"

Page 2, line 8, after "*production*" delete "*or*"

Page 2, line 9, delete "*processing, or storage of agricultural products,*"

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

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

S.F. No. 1813: A bill for an act relating to motor fuels; setting standards for gasoline and gasoline-alcohol blends; providing testing authority for the weights and measures division of the department of public service; requiring alcohol content disclosure; providing for labeling; appropriating money; amending Minnesota Statutes 1982, sections 296.01, subdivision 3, and by adding a subdivision; 296.05, subdivisions 1, 4, 6, and by adding a subdivision; and 296.22, by adding a subdivision.

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

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

S.F. No. 1242: A bill for an act relating to weights and measures; exempting certain petroleum pumps and meters from certain inspection fees; establishing a set fee; amending Minnesota Statutes 1983 Supplement, sections 239.10 and 296.13.

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

Page 2, line 10, delete the new language and strike "*the fee charged*"

Page 2, strike lines 11 and 12

Page 2, line 13, delete "*Beginning January 1, 1985,*"

Page 2, delete line 26 and insert "*Section 1 is effective July 1, 1985. Section 2 is effective January 1, 1986.*"

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

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

S.F. No. 1749: A bill for an act relating to insurance; clarifying annual statement filing requirements; providing for the suspension of authority of self-insurance entities or self-insurers; modifying certain existing fees and providing certain new fees; transferring certain duties of the commissioner of commerce to the commissioner of revenue; establishing certain taxation filing requirements; providing for agent license renewals; authorizing the issuance of orders to show cause relating to license revocations; clarifying continuing education reporting requirements; modifying certain insurance licensing dates; providing for the service of process on foreign companies and unauthorized insurers; removing the countersignature requirement for certain bid bonds and insurance policies; removing an exemption from regulation for certain self-insurance plan administrators and vendors of risk management services; clarifying policy form filing requirements; providing for the use of

health insurance claim forms; providing for the use of fire insurance binders; modifying the definitions of "motorcycle," "motor vehicle," "policy," and "utility vehicle" for purposes of automobile insurance regulation; increasing certain liability coverage on automobile insurance plan policies; providing for the cancellation or nonrenewal of a policy; defining "plan of reparation security"; requiring certain premium reports to be filed with the commissioner; prohibiting discrimination based on sex or marital status; modifying the expiration date of adjuster's licenses; providing for the appointment of the board of the compensation reinsurance association; making various technical changes; providing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 60A.13, subdivision 6, and by adding a subdivision; 60A.15, subdivisions 1, 2, 2a, 6, 8, 9, 10, and by adding subdivisions; 60A.17, subdivisions 3, 5b, and by adding a subdivision; 60A.18, subdivision 3; 60A.19, subdivision 4; 60A.199; 60A.21, subdivision 2; 60A.23, subdivision 5; 61A.03, by adding a subdivision; 62A.025; 65A.03; 65B.001, subdivision 4; 65B.06, subdivision 2; 65B.14, subdivisions 2 and 3; 65B.16; 65B.19; 65B.43, subdivisions 2, 13, and by adding a subdivision; 69.021, subdivisions 1, 2, 3, and by adding a subdivision; 69.58; 69.59; 72A.061, subdivision 2; 72A.07; 72A.20, by adding a subdivision; 72A.23, subdivision 1; 72B.04, subdivisions 7 and 10; 79.10; 176.181, subdivision 2, and by adding a subdivision; 271.01, subdivision 5; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, subdivisions 1 and 2; 424.165, subdivision 1; and 574.32; Minnesota Statutes 1983 Supplement, sections 60A.05; 60A.14, subdivision 1; 60A.15, subdivisions 11 and 12; 60A.17, subdivisions 1a, 1d, and 6c; 60A.1701, subdivisions 5, 10, and 11; 60A.198, subdivision 3; 65A.01, subdivision 3; 65B.17, subdivision 1; 69.011, subdivision 1; and 79.37; proposing new law coded in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1982, sections 65B.15, subdivision 3; 65B.48, subdivision 8; and 69.031, subdivision 6.

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

Page 40, after line 32, insert:

"Sec. 36. [61A.255] [SPECIAL PROVISION.]

*For the purposes of sections 61A.24 and 61A.25, insurers may utilize the 1958 Commissioners Standard Ordinary and the 1958 Commissioners Extended Term smoker and nonsmoker mortality tables and the 1980 Commissioners Standard Ordinary and the 1980 Commissioners Extended Term smoker and nonsmoker mortality tables in addition to the tables specified in sections 61A.24 and 61A.25. The tables may be utilized as provided in the model rule permitting smoker/nonsmoker mortality tables for use in determining minimum reserve liabilities and nonforfeiture benefits adopted by the National Association of Insurance Commissioners. This section applies to policies issued on or after January 1, 1984 and before January 1, 1989."*

Page 73, line 13, delete "\$95,127" and insert "\$62,400"

Page 73, line 17, delete "three" and insert "two"

Page 73, line 27, delete "52 to 55, 66 to 73, 75" and insert "53 to 56, 67 to 74, 76"

Page 73, line 28, delete "77" and insert "78"

Page 73, line 30, delete "76" and insert "77"

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 13, delete "chapter" and insert "chapters"

Page 2, line 14, after "60A" insert "and 61A"

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. 2028: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing new law coded as Minnesota Statutes, chapter 480B.

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

Page 1, line 8, delete "TRIAL COURT" and insert "JUDICIAL" and delete "*a justice of*"

Page 1, line 9, delete "*the supreme court, or*"

Page 1, line 22, after the semicolon, insert "and"

Page 1, delete lines 23 to 25

Page 2, delete line 1

Page 2, line 2, delete "(4)" and insert "(3)"

Page 2, line 6, after "*Individuals*" insert "*appointed or*" and delete "*clauses*" and insert "*clause*" and delete "*and (4)*"

Page 2, line 11, after "*were*" insert "*appointed or*"

Page 2, line 12, delete "*subdivision 2, clause*" and insert "*clauses*" and after "(1)" insert "*or (3)*"

Page 2, line 16, delete "*subdivision 2, clause*" and insert "*clauses*" and after "(1)" insert "*or (3)*"

Page 2, line 22, delete "(4)" and insert "(3)"

Page 2, delete lines 26 to 33

Page 2, line 34, delete "*of the committee,*"

Page 2, delete lines 35 and 36 and insert "*ensure that the permanent members of the committee include attorneys who are women and members of minority races.*"

Page 3, line 3, delete "*seven*" and insert "*six*" and before the period, insert "*when considering district, county, or county municipal court vacancies and five members when considering court of appeals vacancies*"

Page 3, line 36, delete "*supreme*"

Page 4, line 1, delete "*court or*" and after "*to the*" insert "*district*"

Page 4, line 2, delete "association" and insert "associations"

Page 4, line 5, after "the" insert "district"

Page 4, line 6, delete "association" and insert "associations"

Page 4, line 16, after the period, insert "*If the vacancy has occurred or will occur in the district, county, or county municipal court, the committee shall solicit, in writing, recommendations from the district bar associations in the judicial district and from those organizations that represent minority and women attorneys in the judicial district who have requested solicitation where the vacancy has occurred or will occur. Recommendations may be disregarded if not submitted in writing within 30 days after the bar association or organization has received the request for recommendation.*"

Page 4, line 17, delete " , provided that no" and insert a period

Page 4, delete lines 18 and 19

Page 4, line 24, after the period, insert "*The names of the nominees shall be made public.*"

Page 4, line 27, delete the comma

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

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

S.F. No. 2133: A bill for an act relating to Hubbard County; authorizing county appropriations to the county agricultural society and an annual levy for that purpose.

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

Page 1, after line 16, insert:

"Sec. 2. [REVERSE REFERENDUM.]

*If the Hubbard County board proposes to increase the levy of the county pursuant to section 1, it shall pass a resolution stating the amount by which the levy limit base is proposed to be increased. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the proposed increase. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution authorizing the increase as originally proposed or approving an increase in the lesser amount it determines. The resolution authorizing an increase shall be published in the official newspaper of the county if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a referendum on the proposed resolution is filed with the clerk the resolution shall not be effective until it has been*

*submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1984."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "requiring a reverse referendum under certain circumstances"

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

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

S.F. No. 2010: A bill for an act relating to Hubbard County; authorizing a special levy for park and recreation purposes.

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

Page 1, line 7, delete everything before "Hubbard"

Page 1, line 8, delete "an additional amount" and insert "a property tax in an amount not to exceed one-half mill"

Page 1, line 10, delete "The maximum additional"

Page 1, delete line 11 and insert "The tax authorized by this section shall be disregarded in the calculation of any levy limitations under Minnesota Statutes, chapter 275."

Page 1, after line 11, insert:

"Sec. 2. [REVERSE REFERENDUM.]

*If the Hubbard County board proposes to increase the levy of the county pursuant to section 1, it shall pass a resolution stating the amount by which the levy limit base is proposed to be increased. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the proposed increase. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution authorizing the increase as originally proposed or approving an increase in the lesser amount it determines. The resolution authorizing an increase shall be published in the official newspaper of the county if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a referendum on the proposed resolution is filed with the clerk the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes*



*cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1984."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the period, insert "requiring a reverse referendum under certain circumstances"

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

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

S.F. No. 1932: A bill for an act relating to local government; providing for exemption from taxation on certain lands for which conveyance is authorized by the metropolitan sports facilities commission to the city of Bloomington.

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

Page 1, line 9, after "Notwithstanding" insert "the provisions of"

Page 1, line 12, delete "under Laws 1983, chapter 257"

Page 1, line 14, delete "section" and insert "sections" and delete "as long as the property is owned"

Page 1, delete line 15 and insert ", and 458.192, subdivision 2."

Page 1, line 17, delete "the day after" and insert "upon"

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

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

S.F. No. 1748: A bill for an act relating to public welfare; establishing a children's trust fund for the prevention of child abuse and neglect; establishing an income tax checkoff to provide money for the fund; proposing new law coded in Minnesota Statutes, chapters 256 and 290.

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

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

S.F. No. 1529: A bill for an act relating to the city of St. Cloud; giving the city the powers of a port authority.

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

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

was referred

H.F. No. 404: A bill for an act relating to taxation; increasing the deduction from gross income for amounts paid for dependent tuition, textbooks, and transportation expenses; amending Minnesota Statutes 1983 Supplement, section 290.089, subdivision 2.

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

Page 3, line 6, delete "1983" and insert "1984"

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

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

S.F. No. 2167: A bill for an act relating to port authorities; fixing the amount of the property tax levy for them; amending Minnesota Statutes 1982, section 458.14.

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

Page 1, line 10, before "The" insert "Subdivision 1."

Page 2, line 5, delete "1-1/2 mills" and insert ".75 mill"

Page 3, after line 22, insert:

*"Subd. 2. [REVERSE REFERENDUM.] If a city proposes to increase the levy of the city for port authority purposes pursuant to subdivision 1, it shall pass a resolution stating the amount by which the levy limit base is proposed to be increased. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the city or if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a public hearing on the proposed increase. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or, in the alternative, adopt a resolution authorizing the increase as originally proposed or approving an increase in the lesser amount it determines. The resolution authorizing an increase shall be published in the official newspaper of the city if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the city in the last general election requesting a referendum on the proposed resolution is filed with the clerk the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1 of the year for which the levy increase is proposed."*

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a reverse referendum

in certain circumstances;"

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. 2138: A bill for an act relating to sentencing; permitting courts to utilize a variety of noninstitutional sanctions as a condition of a stayed sentence; providing a preference for noninstitutional sanctions in certain cases; amending Minnesota Statutes 1982, section 609.135, by adding a subdivision; and Minnesota Statutes 1983 Supplement, section 609.135, subdivision 1.

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

Page 1, line 13, after "1." insert "[TERMS AND CONDITIONS.]"

Page 1, line 16, after "and" insert "(a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may"

Page 1, line 24, after the first "subdivision" insert a comma and delete "and"

Page 1, line 24, after "6," insert "and section 609.14,"

Page 1, line 25, after "includes" insert "but is not limited to" and delete the second "work"

Page 1, line 26, delete "release programs in local facilities,"

Page 2, line 7, delete "give"

Page 2, delete lines 8 to 12 and insert "order noninstitutional sanctions where practicable."

Sec. 3. Minnesota Statutes 1982, section 609.14, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] When it appears that the defendant has violated any of the conditions of his probation *or noninstitutional sanction*, or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence, the court may without notice revoke the stay thereof and probation and direct that the defendant be taken into immediate custody.

Sec. 4. Minnesota Statutes 1982, section 609.14, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] If any of such grounds are found to exist the court may:

(1) If imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation *or order noninstitutional sanctions* pursuant to section 609.135, or impose sentence and order execution thereof; or

(2) If sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation *or order noninstitutional sanctions* in accordance with the provisions of section 609.135, or order

execution of the sentence previously imposed."

Page 2, line 14, delete "are effective August 1, 1984, and"

Page 2, line 15, delete "that date" and insert "August 1, 1984"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections"

Page 1, line 7, after the semicolon, insert "609.14, subdivisions 1 and 3;"

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

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

H.F. No. 1761: A bill for an act relating to taxation; releasing certain counties from the requirement to impose an aggregate removal tax; amending Minnesota Statutes 1983 Supplement, section 298.75, subdivision 1.

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

Page 2, line 9, reinstate the stricken language

Page 2, line 12, reinstate the stricken "Anoka,"

Page 2, line 13, before "Hennepin," insert "Sibley,"

Page 2, after line 13, insert:

"Sec. 2. [BENTON AND STEARNS COUNTIES; AGGREGATE TAX EXCEPTION.]

*Notwithstanding the provisions of Minnesota Statutes, section 298.75, subdivision 2, the tax on aggregate materials imposed in Benton and Stearns counties shall not be imposed on aggregate sold to the state of Minnesota or its political subdivisions or on aggregate purchased by contractors for use in projects for the state of Minnesota or its political subdivisions."*

Page 2, line 16, after the period, insert "Section 2 is effective for Benton County upon approval of the Benton County board and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 2 is effective for Stearns County upon approval of the Stearns County board and compliance with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "adding other counties; providing an exception to the tax for Benton and Stearns counties;"

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

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

S.F. No. 1353: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Delete everything after the enacting clause and insert:

“Section 1. [CLAIMS; APPROPRIATIONS; GENERAL FUND.]

*Subdivision 1. The sums set forth in this section are appropriated from the general fund to the persons named in this section in full and final payment of claims against the state. The appropriations in this section are available until June 30, 1985.*

*Subd. 2. Richard Archibald, c/o James Peterson, LAMP, Law School, University of Minnesota, 95 Law Building, Minneapolis, Minnesota 55455, for personal property lost when claimant was transferred to the hospital while an inmate of Minnesota correctional facility, Lino Lakes.....\$200.00.*

*Subd. 3. Clark A. Bailey, No. 115235, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater to St. Cloud.....\$300.00.*

*Subd. 4. Brenda Breault, 613 North Grotto, St. Paul, Minnesota 55104, for loss of personal property when a fire occurred at the Minnesota correctional facility, Shakopee, in a cottage in which it was stored.....\$463.00.*

*Subd. 5. Arthur L. Brundige, No. 123486, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater, to Oak Park Heights.....\$50.00.*

*Subd. 6. James V. Burnham, No. 116764, Minnesota correctional facility, 4525 4th Avenue, Lino Lakes, Minnesota 55014, for personal property irreparably damaged during claimant's transfer from Minnesota correctional facility, Stillwater, to Oak Park Heights.....\$66.00.*

*Subd. 7. Leslie Fisher, Route 2, Box 204, Hudson, Wisconsin 54016, for litigation costs incurred as a result of reporting a violation of the Human Rights Act by a state employee.....\$2,458.00.*

*Subd. 8. Audi Fox, No. 103592, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property that was irreparably damaged when he was transferred to and from segregation at Minnesota correctional facility, Stillwater and then to Oak Park Heights.....\$250.00.*

*Subd. 9. Quinn Johnson, No. 42706, Kettle Moraine correctional institute, Box 31, Plymouth, Wisconsin 53073, for personal property that was lost when he was transferred from Minnesota correctional facility, Stillwater to Waupun.....\$300.00.*

*Subd. 10. Michael Katherine, No. 119802, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater, to Oak Park Heights.....\$20.00.*

*Subd. 11. Little Sisters of the Poor, Sr. Gonzague, 330 South Exchange Street, St. Paul, Minnesota 55102, for costs incurred as a result of the condemnation of lighting after construction was completed based on a plan that had been approved by the Minnesota department of health before construction began.....\$7,000.00.*

*Subd. 12. Lawrence Donald Moll, No. 120867, Minnesota correctional facility, Stillwater, Box 55, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater, to Oak Park Heights.....\$13.00.*

*Subd. 13. Lawrence Craig Ogris, No. 103219, Minnesota correctional facility, Stillwater, Box 55, Stillwater, Minnesota 55082, for personal property lost when he was transferred back to Minnesota correctional facility, Stillwater, from special duty in Hennepin county.....\$150.00.*

*Subd. 14. David Perry, No. 117567, Box B, Minnesota correctional facility, St. Cloud, St. Cloud, Minnesota 56301, for an injury received while an inmate of Minnesota correctional facility, St. Cloud, which resulted in a permanent partial disability of the loss of the distal phalanx of his left middle finger.....\$1,564.00.*

*Subd. 15. Bruce Pinion, No. 39164-A, Waupun correctional institute, Box 351, Waupun, Wisconsin 53963, for personal property that was lost when he was transferred from Minnesota correctional facility, Stillwater to Waupun.....\$75.00.*

*Subd. 16. John R. Syrovatka, Box 276, Rural Route 1, Silver Lake, Minnesota 55381, for personal property lost during claimant's transfer from Hennepin county adult detention center to Minnesota correctional facility, Stillwater.....\$60.00.*

## Sec. 2. [TRUNK HIGHWAY FUND CLAIMS.]

*Subdivision 1. The sum set forth in subdivision 2 is appropriated from the trunk highway fund to the commissioner of transportation for payment to the persons named in full and final payment of claims against the state.*

*Subd. 2. Prescott Township, c/o Howard Eckhardt, Chairman, Route 2, Box 156, Blue Earth, Minnesota 56013. For damage to a township road caused by traffic that chose to use it as a detour when the department of transportation closed a bridge over I-90 for repair.....\$1,124.00.*

## Sec. 3. [VETERANS BONUS CLAIMS.]

*Subdivision 1. [GENERALLY.] The sums set forth in this section are appropriated from the general fund to the persons named in subdivisions 2 to 4 in full and final payment of claims against the state for adjusted compensation arising from World War II, the Korean Conflict, and Vietnam service.*

*Subd. 2. [WORLD WAR II.] Charles Countryman, Route 1, Swanville, Minnesota 56382.....\$160.00.*

*Wesley P. Leigh, Route 1, Box 326, Princeton, Minnesota 55371.....\$30.00.*

*Harry G. Piper, 877 North Howell Street, St. Paul, Minnesota 55104.....\$270.00.*

*Subd. 3. [KOREAN CONFLICT.] Allen R. Evans, Route 1, Prescott, Wisconsin 54021.....\$127.50.*

*Uno C. Huck, 5447 Adams Street, Moundsview, Minnesota 55112.....\$67.50.*

*Joseph T. Murphy, 421-9th Avenue North, St. Cloud, Minnesota 56301.....\$120.00.*

*James J. Roloff, 109 E. Pine Street, Stillwater, Minnesota 55082.....\$202.50.*

*Henry Wakonabo, Box 211, Inger Route, Deer River, Minnesota 56636.....\$120.00.*

*Subd. 4. [VIETNAM SERVICE.] Dennis L. Bakkala, 803 East Calvary Road, Duluth, Minnesota 55803.....\$180.00.*

*Steven M. Barlow, 7615 Harold Avenue, Golden Valley, Minnesota 55427.....\$100.00.*

*Teddy J. Bryce, Box 73, West Star Route, Larsmont, Minnesota 55610.....\$135.00.*

*Jerome V. Buczynski, 77 Dubois Lane, St. Helens, Oregon 97051.....\$300.00.*

*Charles A. Burfiend, 429 W. Idaho, St. Paul, Minnesota 55117.....\$100.00.*

*William J. Bussert, Route 4, Box 169A, Faribault, Minnesota 55021.....\$300.00.*

*Rodney J. Canedy, 1930 Jade Lane, Eagan, Minnesota 55122.....\$165.00.*

*Thomas R. Carlson, 4205 East 40th Street, Minneapolis, Minnesota 55406.....\$600.00.*

*David A. Dahle, 3300 Zinran Avenue South, St. Louis Park, Minnesota 55426.....\$510.00.*

*Eileen J. Davis, 2014 - 21st Avenue South, No. 2, Minneapolis, Minnesota 55404.....\$255.00.*

*John E. Gudmundson, 615 Quincy, Minneapolis, Minnesota 55413.....\$255.00.*

*Douglas F. Holm, 1108 Mercury Drive, No. 1D, Schaumburg, Illinois 60193.....\$300.00.*

*Harold E. Johnson, Minnesota Veterans Home, East 51st and Minnehaha Avenue, Minneapolis, Minnesota 55417.....\$300.00.*

*Nathan J. Kingbird, 1575 St. Paul Avenue, Apt. No. 6, St. Paul, Minnesota 55116.....\$300.00.*

*Steven J. Landkammer, 3801 Nebraska Avenue N.W., Washington, D.C. 20390.....\$300.00.*

*Thomas A. Lindquist, P.O. Box 26, Meadowlands, Minnesota 55765.....\$300.00.*

*Marc G. Looney, 4815-28th Avenue South, Minneapolis, Minnesota*

55417.....\$100.00.

Harold J. Lukanen, 709 Chatham Field Road, Minnetonka, Minnesota  
55343.....\$600.00.

Lawrence D. Mehsikomer, 903 St. Clair, St. Paul, Minnesota  
55105.....\$165.00.

Elphege G. Mrozek, 515-5th Street S.W., Little Falls, Minnesota  
56345.....\$600.00.

James N. Olson, 158 Kingsway Drive, North Mankato, Minnesota  
56001.....\$600.00.

Jon M. Olson, 327-4th Street South, Virginia, Minnesota  
55792.....\$100.00.

Gerald L. Parks, 361 Jenks, St. Paul, Minnesota 55101.....\$180.00.

Hildor A. Pederson, Jr., 2203 Branch Avenue, No. 2, Anoka, Minnesota  
55303.....\$180.00.

Raymond G. Pence, Walker, Minnesota 56484.....\$165.00.

Robert L. Price, 533 North St. Albans, St. Paul, Minnesota  
55104.....\$270.00.

Ronald J. Rock, Route 2, Box No. 32A, Waubun, Minnesota  
56589.....\$100.00.

Edward E. Rom, P.O. Box 685, Mankato, Minnesota 56002.....\$300.00.

Dennis W. Schendel, 426 Third Street, Farmington, Minnesota  
55024.....\$300.00.

Dwight A. Stiles, 1171 Manning Avenue South, Afton, Minnesota  
55001.....\$285.00.

Cory F. Teigen, 1504 E. Laurie Road, St. Paul, Minnesota  
55109.....\$600.00.

Theodore L. Torba, P.O. Box 189, Maple Lake, Minnesota  
55358.....\$100.00.

Jeffrey B. Tromburg, 115 First Street South, Virginia, Minnesota  
55792.....\$600.00.

Donald J. Wagner, 308 Lowry Avenue N.E., Minneapolis, Minnesota  
55418.....\$195.00.

Jack D. Walters, 360 Fuller, St. Paul, Minnesota 55103.....\$285.00.

Arthur Wildeman, Box No. 275, Morristown, Minnesota  
55052.....\$120.00.

Dale E. Wingenbach, Star Route, Box No. 159, Brainerd, Minnesota  
56401.....\$100.00.

Selma E. Zempel, Beneficiary of Ronald Lee Zempel, Box No. 349,  
Happy Hollow Road, Grand Rapids, Minnesota 55744.....\$1,000.00.

Sec. 4. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*



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

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

H.F. No. 432: A bill for an act relating to soil and water conservation; prohibiting in certain counties practices which cause accelerated erosion or sedimentation; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 40.

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

Delete everything after the enacting clause and insert:

“Section 1. [PURPOSE.]

*It is the purpose of this act to prevent the degradation of lands, streams, and rivers, and to protect and promote the health, safety, and general welfare of the people.*

Sec. 2. [40.19] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY, SCOPE.] The definitions in this section apply to sections 3 to 11.*

*Subd. 2. [EXCESSIVE SOIL LOSS.] “Excessive soil loss” means soil loss resulting from erosion that is more rapid than the gradual erosion of land used by man when all reasonable soil and water conservation practices have been applied. “Excessive soil loss” may be evidenced by sedimentation on adjoining land or in any body of water. Soil loss is excessive if it is greater than the soil loss tolerance for each soil type described in the United States Soil Conservation Service Field Office technical guide.*

*Subd. 3. [CONSERVATION PRACTICES.] “Conservation practices” means practices and standards containing a definition, purpose, and conditions under which the practice applies including design requirements, and specifications containing a statement of details required for installing a conservation practice, including kinds, quality, and quantity of work and materials needed to meet the standards.*

*Subd. 4. [CONSTRUCTION ACTIVITY.] “Construction activity” means any physical disturbance of the land by man related to construction activities that may result in sedimentation of adjacent lands or waters. These activities include clearing, grading, excavating, transporting, and filling lands.*

*Subd. 5. [EROSION.] “Erosion” means any process that wears away the surface of the land by the action of water, ice, wind, or gravity.*

*Subd. 6. [LAND OCCUPIER.] “Land occupier” means any legal entity that holds title to, or is in possession of any lands, whether as owner, lessee, renter, tenant, or otherwise. “Land occupier” includes both the owner and the occupier of the land if they are not the same.*

*Subd. 7. [SEDIMENTATION.] “Sedimentation” means the process or action of depositing a solid mineral or organic material that is or has been moved by erosion from its site of origin to another land or water.*

*Subd. 8. [SOIL LOSS LIMIT.] "Soil loss limit" means the maximum amount of soil loss from erosion of a particular type of soil, expressed in tons per acre per year, that will be permitted by county and local government unit regulations.*

*Subd. 9. [SOIL CONSERVATION PRACTICE.] "Soil conservation practice" means a permanent or temporary vegetative or structural measure that controls erosion. A permanent practice should have an effective life greater than ten years and includes grassed waterways, terraces, field windbreaks, water control structures, grade stabilization structures, sediment retention structures, strip-cropping, and other practices approved by the state soil and water conservation board. Temporary practices include conservation tillage, contour farming, grasses and legumes in rotation, emergency tillage, and other practices approved by the state soil and water conservation board.*

*Subd. 10. [TECHNICAL GUIDE.] "Technical guide" means the guide developed by USDA Soil Conservation Service and adopted by soil and water conservation districts containing technical information including methods and procedures to measure various types of soil loss and erosion, and conservation practice standards and specifications required in the application of soil and water conservation practices.*

### **Sec. 3. [40.20] [COUNTY SOIL LOSS CONTROL.]**

*Each county, statutory or home rule charter city, or town that has planning and zoning authority under sections 366.10 to 366.18, 394.21 to 394.37, or 462.351 to 462.365, may adopt a soil loss ordinance consistent with the model ordinance in section 4. Ordinances adopted by local government units within the metropolitan area defined in section 473.121 must be consistent with local water management plans adopted under section 473.879. A local government unit that adopts a soil loss ordinance may enter an agreement with the soil and water conservation district board, that allows the soil and water conservation district board to administer local government unit functions and perform the duties of the local government unit.*

### **Sec. 4. [40.21] [ADOPTION OF RULES BY THE STATE BOARD; PERIODIC REVIEW.]**

*Subdivision 1. [RULES.] The commissioner of agriculture, in consultation with the state soil and water conservation board, counties, soil and water conservation districts, and other appropriate agencies, shall adopt rules to guide counties in erosion control. The rules must specify a model ordinance that specifies the technical and administrative procedures for a county, statutory or home rule charter city, or town to implement soil loss and erosion control including soil loss from construction activities. The model ordinance is the minimum regulation that may be adopted by each local government unit. The rules must describe administrative procedures required of the state soil and water conservation board for carrying out the provisions of sections 3 to 6.*

*Subd. 2. [PERIODIC REVIEW.] At least once every two years the commissioner of agriculture shall review the rules after consulting with the state soil and water conservation board, counties, local government units, soil and water conservation districts, and appropriate agencies to ensure continued applicability and relevance of the rules. The rules may be revised if neces-*

sary by the commissioner of agriculture.

Sec. 5. [40.22] [ EXCESSIVE SOIL LOSS PROHIBITED.]

*Subdivision 1. [PROHIBITED ACTIVITIES.] A person may not cause, conduct, contract for, or authorize an activity that causes excessive soil loss.*

*Subd. 2. [AGRICULTURAL LAND.] A land occupier of agricultural land is not violating subdivision 1 if the land occupier is using sound soil conservation practices and farming methods that prevent excessive soil loss.*

*Subd. 3. [WOODLAND.] A land occupier who uses wooded land for pasture must ensure that proper management is used to prevent excessive soil loss due to overgrazing or cattle paths.*

*Subd. 4. [CONSTRUCTION ACTIVITIES.] A construction activity may not cause excessive soil loss. A construction activity is subject to and may be enforced as provided in sections 9 to 11.*

*Subd. 5. [EXCESSIVE SOIL LOSS; APPLICATION.] Soil loss is excessive if it is greater than the provisions of section 2, subdivision 2, or a more restrictive ordinance adopted by the local government unit. The county or local government unit shall enforce this section.*

Sec. 6. [40.23] [COMPLAINT AND DETERMINATION OF SOIL LOSS.]

*Subdivision 1. [COMPLAINT.] An elected local government official or district board member may submit a written complaint to the county attorney if conditions exist that indicate there is excessive soil loss from a tract of land that affects another tract of land or body of water. The written complaint must contain the name and address of the landowner, the location of the tract of land with the excessive soil loss, other land or water that is affected by the excessive soil loss, and a description of the nature of the excessive soil loss and resulting sedimentation. The county attorney may submit the complaint to the district for soil loss determination.*

*Subd. 2. [DISTRICT DETERMINATION OF SOIL LOSS.] (a) Upon request by the county attorney the district shall determine the average soil loss in tons per acre per year of the tract of land cited in the complaint.*

*(b) The district shall submit a report to the county attorney that states the average soil loss in tons per acre per year for each tract of land and if that soil loss exceeds the amounts allowed in section 5, subdivision 5. If the soil loss is excessive the report must include the existing management and soil conservation practices and alternative practices and the costs of the alternative practices that will prevent excessive soil loss or reduce the soil loss to the most practicable extent. The district must describe the efforts made to include the land occupier in voluntary and cost-sharing programs and the amount of cost-sharing funds, if any, made available to the land occupier. If the report shows that the soil loss from the tract of land is excessive and alternative practices are available to reduce the soil loss the county attorney shall submit the complaint and the report to the county board.*

*(c) The district may enter public or private land to make an inspection for the determination of soil loss or to complete the report. The landowners must be notified of the time of the inspections and be given an opportunity to be*

*present when the inspection is made.*

**Sec. 7. [40.24] [COUNTY BOARD INSPECTION; RESOLUTION.]**

*Subdivision 1. [INSPECTION.] Upon receipt of the complaint and district report from the county attorney the county board may make an inspection of the land cited in the complaint to determine if the land is managed properly. The county board may enter public or private land to make an inspection for the determination. The county board must notify landowners of the time of the inspection and give them an opportunity to be present when the inspection is made.*

*Subd. 2. [COUNTY BOARD RESOLUTION.] If the county board determines that the land is managed properly or that cost-sharing funds have not been made available, the complaint must be dismissed. If the county board determines that the land is not being managed properly the board shall adopt a resolution that describes alternative management practices; requires the owner within one year after receiving the resolution to commence practices or measures to reduce soil loss to the most practicable extent or prevent excessive soil loss, or submit a completed application to the district for cost-sharing funds; and require that the practices or measures must be completed, or satisfactory progress to complete the practice or measures be made, not later than one year after cost-sharing funds are available, or not later than two years after receiving the resolution.*

*The resolution must be delivered by personal service or certified mail to the landowner cited in the complaint.*

**Sec. 8. [40.25] [COST-SHARING FUNDS; DISTRICT ASSISTANCE.]**

*Subdivision 1. [COST-SHARING FUNDS MUST BE AVAILABLE BEFORE SOIL CONSERVATION PRACTICES REQUIRED.] Except in the case of a construction activity, a land occupier may not be required to establish soil conservation practices unless state cost-sharing funds have been specifically approved for that land and have been actually made available to the land occupier in an amount equal to at least 75 percent of the cost of the permanent soil and water conservation practices on a voluntary basis and a 50 percent cost-share if implementation commenced after a board resolution under section 7.*

*Subd. 2. [REVIEW OF COST-SHARE AMOUNTS; AUTHORIZATION OF GREATER COST-SHARE.] The state soil and water conservation board shall review the required cost-share at least once each year, and may authorize districts in any particular case to provide a higher percentage of public cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation to the priority areas as established in the district annual and long-range plans.*

*Subd. 3. [DISTRICT ASSISTANCE.] At the request of a landowner receiving a resolution under section 7, the district shall assist in the planning, design, and application of practices necessary to reduce soil loss to the amounts allowed in section 5, subdivision 5, or to the greatest practicable extent. The district shall give the landowner a high priority for technical and cost-sharing assistance.*

**Sec. 9. [40.26] [CONSTRUCTION ACTIVITIES.]**

*Subdivision 1. [EROSION CONTROL PLAN FOR CONSTRUCTION ACTIVITIES.] A person engaged in a construction activity that will disturb over one acre of land must submit to the local soil and water conservation district by 30 days before the construction activity is to begin a proposed sedimentation control plan that will prevent excessive soil loss.*

*Subd. 2. [DISTRICT REVIEW; NOTICE.] The district shall review the plan and notify the person submitting the plan whether the plan will prevent excessive soil loss. If the district determines that the plan does not prevent excessive soil loss, the district must include with the notice a description of alternative methods to prevent excessive soil loss or reduce the soil loss to the most practicable extent and the cost of implementing the alternative methods.*

*Subd. 3. [COMPLAINT.] An elected local government official or district board member may submit a written complaint to the county attorney if conditions exist that indicate there is excessive soil loss from a tract of land that affects another tract of land or body of water. The written complaint must contain the name and address of the landowner and person engaged in the construction activity, the location of the construction activity, the tract of land with the excessive soil loss, other land or water that is affected by the excessive soil loss, and a description of the nature of the excessive soil loss and resulting sedimentation. The county attorney shall submit the complaint and a copy of the district notice to the county board.*

*Subd. 4. [COUNTY BOARD RESOLUTION.] The county board or designated board members shall inspect the land cited in the complaint to determine if soil loss is being properly controlled. The county board or designated members may enter public or private property to make the inspection after giving notice to the property owner. If the county board determines that a person engaged in a construction activity is causing excessive soil loss the board shall adopt a resolution that requires a person to commence practices to reduce soil loss within the time limit set by the county board. The resolution must be delivered by personal service or certified mail to the person engaged in the construction activity cited in the complaint.*

#### Sec. 10. [40.27] [PENALTIES.]

*Subdivision 1. [CIVIL PENALTY.] A landowner or a person engaged in construction activity who fails to commence or complete actions, or make satisfactory progress to complete actions, required in a county board resolution or obstructs inspections is subject to a civil penalty up to \$1,000. The county attorney shall bring the action. This civil penalty is not an exclusive penalty. Other actions allowed by law may be brought to enforce sections 5 to 9.*

*Subd. 2. [PENALTY.] A violation of this act is a petty misdemeanor.*

#### Sec. 11. [40.28] [ATTORNEY AND GOVERNING BODY OF LOCAL GOVERNMENT UNITS.]

*Under sections 6, 7, and 9, the city attorney or town attorney may perform the duties of a county attorney and the governing body of any city or town may perform the duties of a county board if the city or town adopts a soil loss ordinance and the land in the complaint is located within the city or town.*

#### Sec. 12. [APPLICABILITY.]

*The provisions of sections 6 to 11 are not applicable without the adoption of an ordinance by the county or local government unit.*

**Sec. 13. [APPROPRIATION.]**

*The sum of \$10,000 is appropriated from the general fund to the commissioner of agriculture to adopt rules under section 4."*

Amend the title as follows:

Page 1, line 4, after "penalties;" insert "appropriating money;"

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

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

Senate Concurrent Resolution No. 18: A Senate concurrent resolution requiring the establishment of an affirmative action plan for the legislature; creating a staff position of Director of Legislative Equal Employment Opportunity; providing for immediate action to be taken in furtherance of equal employment opportunity.

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

Delete the concurrent resolution in its entirety and insert:

"A Senate concurrent resolution requiring the establishment of an affirmative action plan for the legislature; requiring employment of an affirmative action officer.

WHEREAS, the Minnesota Legislature has the responsibility to guarantee every individual equal employment opportunity in the legislative branch without reference to race, color, religion, sex, handicap, or national origin; and

WHEREAS, it is the intention of the Minnesota Legislature to remove any vestiges of discrimination that may impede full compliance with equal employment opportunity in the legislative branch of state government; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that:

(a) The Legislative Coordinating Commission shall employ or contract for the services of a legislative affirmative action officer. At the direction of the Legislative Coordinating Commission, the officer shall prepare an affirmative action program for the legislative branch that will assist in recruiting qualified members of minority groups for legislative branch staff positions, provide educational programs for legislators and legislative branch staff on the need for and proper response to affirmative action, and further equal employment opportunity in the legislative branch.

(b) The Legislative Coordinating Commission shall recommend the plan to the Senate and House of Representatives. The plan shall consist of:

(1) procedures, standards, and assumptions used by the Legislative Coordinating Commission in preparing the plan;

(2) objectives, goals, and policies;

(3) timetables for accomplishing the goals;

(4) a requirement for the periodic submission of affirmative action progress reports to the Legislative Coordinating Commission; and

(5) other relevant information.

(c) The Legislative Coordinating Commission shall periodically revise the plan, as necessary.

(d) All legislators and legislative branch staff shall facilitate the work of the affirmative action officer. Information shall be provided to the officer on each vacant position or new position established, and the affirmative officer may provide each hiring officer with a list of qualified applicants for these positions. Hiring officers shall advertise vacant or new positions and solicit applications in manners calculated to reach members of the minority community."

And when so amended the concurrent resolution do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 18 be laid on the table. The motion prevailed.

## **SECOND READING OF SENATE BILLS**

S.F. Nos. 2108, 1457, 1813, 1242, 1749, 2028, 2133, 2010, 1932, 1748, 1529, 2167, 2138 and 1353 were read the second time.

## **SECOND READING OF HOUSE BILLS**

H.F. Nos. 1507, 404, 1761 and 432 were read the second time.

## **MOTIONS AND RESOLUTIONS**

Ms. Berglin moved that her name be stricken as a co-author to S.F. No. 2056. The motion prevailed.

Mr. Pogemiller moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 2098. The motion prevailed.

Mr. Petty moved that the names of Messrs. Solon and Benson be added as co-authors to S.F. No. 2146. The motion prevailed.

Mr. Vega introduced—

Senate Resolution No. 105: A Senate resolution relating to the city of South Saint Paul; extending congratulations upon being selected an honorable mention All-America City.

Referred to the Committee on Rules and Administration.

## **SUSPENSION OF RULES**

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

### CONSENT CALENDAR

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.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1058: A bill for an act relating to limited partnerships; providing for withdrawals of certain partners; providing for liabilities of partners; amending Minnesota Statutes 1982, sections 322A.27; and 322A.33.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2150: A bill for an act relating to newspapers; making certain publications legal newspapers; proposing new law coded in Minnesota Statutes, chapter 331.

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 1, as follows:

Those who voted in the affirmative were:



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

Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2314 at 12:00 noon:

Messrs. Johnson, D.J.; Peterson, C.C.; Ms. Berglin, Messrs. Novak and Bernhagen. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

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. 1023: A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; proposing new law coded in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1982, sections 519.06; 525.16; 525.17; 525.171; 525.20; 525.201; 525.202; 525.212 to 525.216; Minnesota Statutes 1983 Supplement, sections 525.172; and 525.173.

Mr. Sieloff moved to amend S. F. No. 1023 as follows:

Page 4, line 2, after "*adjudication*" insert "*or by acknowledgment, consent, or agreement pursuant to sections 257.51 to 257.74*"

Page 5, after line 25, insert:

*"(iv) any transfer made within one year of death of the decedent to the extent that the aggregate transfers to any one donee in the year exceeds \$30,000."*

Page 5, line 28, before the period, insert "*except that property given irrevocably to a donee during lifetime of the decedent is valued as of the date the donee came into possession or enjoyment if that occurs first*"

Page 6, line 8, delete everything after the comma

Page 6, delete line 9

Page 6, line 10, delete everything before "*any*"

Page 6, line 24, delete everything after the period

Page 6, delete lines 25 to 27 and insert *"The augmented estate does not include the proceeds of life insurance payable upon the death of the decedent in lump sum or in the form of an annuity or as part of any pension or profit sharing plan, nor does it include premiums paid therefore by the decedent or any other person."*

Page 7, delete lines 6 to 9

Page 7, line 10, delete "(ii)" and insert "(i)"

Page 7, line 14, delete "(iii)" and insert "(ii)"

Page 7, delete lines 21 to 24

Page 7, line 26, delete "the filing of" and insert "intention to file"

Page 7, lines 31 and 32, delete "the filing of" and insert "intention to file"

Page 7, after line 35, insert:

*"Upon petition to the probate court by the designated beneficiary, the court may order that all or part of the property may be paid to the designated beneficiary in such amount and subject to such conditions as are consistent with this section."*

Page 8, line 6, after "finding" insert "(1)"

Page 8, line 8, before the period, insert *"and (2) that the election will be consistent with the best interests of the natural bounty of the protected person's affection"*

Page 9, line 1, delete "adversely"

Page 11, line 21, delete "519.06;"

Amend the title as follows:

Page 1, line 7, delete "519.06;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1023 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

S.F. No. 1575: A bill for an act relating to commerce; providing for the computation of interest on mechanics' lien claims; proposing new law coded in Minnesota Statutes, chapter 514.

Mr. Sieloff moved to amend S. F. No. 1575 as follows:

Page 1, after line 15, insert:

"Sec. 2. [TECHNICAL CORRECTION.]

*H. F. No. 559, if enacted at the 1984 regular session, is effective July 1, 1984, not August 1, 1983, and interest begins to accrue on July 1, 1984 on any pending causes of action."*

Page 1, line 16, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "delaying the effective date of a bill carried over from the 1983 to the 1984 regular session;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1575 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 12, as follows:

Those who voted in the affirmative were:

Benson	Freeman	Moe, R. D.	Reichgott	Taylor
Bertram	Hughes	Olson	Renneke	Ulland
Chmielewski	Jude	Pehler	Samuelson	Waldorf
Dahl	Knaak	Peterson, D.C.	Schmitz	Wegscheid
Davis	Lantry	Peterson, R.W.	Sieloff	Willet
DeCramer	Lessard	Petty	Solon	
Diessner	Luther	Pogemiller	Spear	
Frank	Mehrkens	Purfeerst	Storm	
Frederickson	Merriam	Ramstad	Stumpf	

Those who voted in the negative were:

Adkins	Berg	Johnson, D.E.	Kronebusch	Peterson, D.L.
Anderson	Bernhagen	Kamrath	Moe, D. M.	Vega
Belanger	Isackson			

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

**SPECIAL ORDER**

S.F. No. 1864: A bill for an act relating to state government; amending the Administrative Procedure Act; establishing an optional negotiated rulemaking procedure; allowing interested persons to respond after a public hearing; removing a requirement that the attorney general review the hearing examiner's hearing report; providing that rules will be adopted without a public hearing unless 25 persons object; providing for notification that rules were modified after proposal; restricting the adoption of temporary rules; providing that exempt rules are not effective unless submitted to the revisor of

statutes; providing that judicial review of rules is by the court of appeals with appeal to the supreme court; amending Minnesota Statutes 1982, sections 14.03, subdivision 2; 14.10; 14.14, by adding a subdivision; 14.16; 14.23; 14.25; 14.29; 14.30; 14.31; 14.33; 14.35; 14.36; 14.38, subdivision 1; and 14.44; Minnesota Statutes 1983 Supplement, sections 14.07, subdivisions 2 and 4; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivision 1; 14.22; 14.26; 14.32; and 14.45; proposing new law coded in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1982, section 14.13; and Minnesota Statutes 1983 Supplement, sections 14.07, subdivision 5; 14.17; and 14.21.

Mr. Frederickson moved to amend S.F. No. 1864 as follows:

Page 5, line 2, before the period insert *"and must include, when appropriate:*

*(1) a description of the classes of persons likely to be affected by the proposed rule, including those that will bear the costs of the proposed rule and those that will benefit from the proposed rule;*

*(2) a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, on affected classes of persons;*

*(3) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and the anticipated effect on state revenues;*

*(4) a comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;*

*(5) a determination whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;*

*(6) a description of alternative methods to achieve the purpose of the proposed rule that the agency seriously considered and the reasons they were rejected in favor of the proposed rule;*

*(7) a detailed description of the data to the extent practicable; and*

*(8) both the short-term and long-term consequences of the rule, if adopted.*

*Subd. 2. [EFFECT ON VALIDITY OF RULE.] If the agency has made a good faith effort to comply with the requirements of this section, a rule may not be invalidated solely on the ground that the contents of the statement of need and reasonableness are insufficient or inaccurate as long as the agency supplements the rulemaking record with additional or corrected information."*

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

S.F. No. 1864 was then progressed.

### SPECIAL ORDER

S.F. No. 992: A bill for an act relating to welfare; requiring parents of children on probation or parole to pay the costs of foster care; amending Minnesota Statutes 1982, sections 242.19, subdivision 2; and 260.251, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1336: A bill for an act relating to crime; providing for criminal penalties and a one year driver's license revocation upon refusal by a driver suspected of driving under the influence of alcohol or a controlled substance to take a test; authorizing testing of a suspect who is unconscious or in a condition rendering the suspect incapable of refusal; clarifying provisions of the hit and run law; clarifying penalties imposed on certain persons convicted of driving while under the influence of alcohol or a controlled substance; prescribing penalties for causing death or injury of another while operating a vehicle in a certain manner; providing for admission into evidence of certain convictions for driving offenses for impeachment purposes; amending Minnesota Statutes 1982, sections 169.09, subdivision 4; 169.123, subdivisions 4 and 5a, and by adding a subdivision; and Minnesota Statutes 1983 Supplement, sections 169.09, subdivisions 1, 14, and 15; 169.121, subdivision 3; 169.123, subdivisions 2 and 6; and 609.21, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapter 634.

Mr. Freeman, for Mr. Luther, moved to amend S. F. No. 1336 as follows:

Page 8, after line 20, insert:

"Sec. 11. Minnesota Statutes 1982, section 169.123, subdivision 9, is amended to read:

Subd. 9. [LIMITED LICENSE.] In any case in which a license has been revoked under this section, the commissioner may issue a limited license to the driver. The commissioner in issuing a limited license may impose the conditions and limitations which in his judgment are necessary to the interests of the public safety and welfare, including re-examination of the driver's qualifications, attendance at a driver improvement clinic, or attendance at counseling sessions. The license may be limited to the operation of particular vehicles and to particular classes and time of operation. The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under a limited license shall have the license in his possession at all times when operating as a driver. In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

*The commissioner may require that an applicant for a limited license for work purposes affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.*

Sec. 12. Minnesota Statutes 1982, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or revoked under sections 169.121 or 171.17, if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license, the commissioner may at his own discretion issue a limited license to the driver. The commissioner in issuing a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. *The commissioner may require that an applicant for a limited license for work purposes affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.*

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in his possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually."

Page 10, line 16, delete "13" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "restricting issuance of limited licenses for work purposes;"

Page 1, line 17, delete the first "and" and insert a comma and after "5a" insert ", and 9"

Page 1, line 18, after the semicolon, insert "and 171.30, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S. F. No. 1336 as follows:

Page 3, line 23, after the first comma, insert "section 169.123,"

Page 3, lines 24 and 25, delete "either" and insert "any"

Page 3, line 28, after the first comma, insert "section 169.123,"

Page 3, lines 29 and 30, delete "either" and insert "any"

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

Page 4, delete line 27 and insert ". The following persons are guilty of a

gross misdemeanor:

(1) a person who violates this section or an ordinance in conformity with it within five years of a prior conviction under this section, section 169.121, section 169.129, or an ordinance in conformity with any of them, or a statute or ordinance from another state in conformity with any of them; and

(2) a person who violates this section or an ordinance in conformity with it within ten years of two or more prior convictions under this section, section 169.121, section 169.129, or an ordinance in conformity with any of them, or a statute or ordinance from another state in conformity with any of them."

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend S. F. No. 1336 as follows:

Page 9, after line 33, insert:

"Sec. 13. [634.16] [ADMISSION INTO EVIDENCE OF PRIOR DRIVING HISTORY.]

*At the trial of any felony driving offense, including an offense under section 609.21, the court may admit evidence which shows the defendant's prior history of driving in a grossly negligent manner, driving while under the influence of alcohol or a controlled substance, or driving while having an alcohol concentration of 0.10 or more."*

Page 10, line 16, delete "13" and insert "14"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, delete "for impeachment purposes"

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

Mr. Freeman moved to amend S. F. No. 1336 as follows:

Page 8, after line 20, insert:

"Sec. 11. Minnesota Statutes 1982, section 171.24, is amended to read:

**171.24 [VIOLATIONS, MISDEMEANORS, EXCEPTIONS ; DRIVING AFTER REVOCATION, SUSPENSION, OR CANCELLATION.]**

*Any person whose driver's license or driving privilege has been cancelled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, upon the highways in this state while such license or privilege is ~~canceled~~ cancelled, suspended, or revoked is guilty of a misdemeanor.*

**It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless such violation is by any law declared to be a felony or a gross misdemeanor.**

*Notice of revocation, suspension, or cancellation is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if*

*the person was informed that revocation, suspension, or cancellation would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.*

Sec. 12. [171.241] [VIOLATIONS; MISDEMEANORS.]

*It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless the violation is declared by any law to be a felony or gross misdemeanor, or the violation is declared by a section of this chapter to be a misdemeanor."*

Page 10, line 16, delete "13" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "clarifying provisions of the driving after revocation, suspension, or cancellation law;"

Page 1, line 18, after the semicolon, insert "and 171.24;"

Page 1, line 22, delete "chapter" and insert "chapters 171 and"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S. F. No. 1336 as follows:

Page 8, after line 20, insert:

"Sec. 11. Minnesota Statutes 1982, section 171.30, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] In any case where a person's license has been suspended under section 171.18 or revoked under sections 169.121, 169.123, or 171.17, ~~if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license~~, the commissioner may at his own discretion issue a limited license to the driver *under the following conditions:*

*(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;*

*(2) if the exercise of rights of visitation of a child by a noncustodial parent depends upon the use of the driver's license; or*

*(3) if attendance at a post-secondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.*

The commissioner in issuing a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in his possession at all times when operating as a driver.



In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually."

Page 10, after line 14, insert:

"Sec. 15. [REPEALER.]

*Minnesota Statutes 1982, section 169.123, subdivision 9, is repealed."*

Page 10, line 16, delete "13" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon insert "authorizing issuance of limited licenses in certain circumstances;"

Page 1, line 20, after the second semicolon insert "171.30, subdivision 1;"

Page 1, line 22, before the period, insert "; repealing Minnesota Statutes 1982, section 169.123, subdivision 9"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 1336 as follows:

Page 5, line 21, before "CONSENT" insert "WITHDRAWAL OF" and delete "NOT"

Page 5, line 22, delete "WITHDRAWN"

Page 5, lines 22 to 25, delete the new language and insert "*If a person is unconscious or is otherwise in a condition rendering the person incapable of refusal, the test may not be given and the person shall not be deemed to have refused the test.*"

Amend the title as follows:

Page 1, line 6, delete "authorizing" and insert "prohibiting"

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

Mr. Sieloff then moved to amend S.F. No. 1336 as follows:

Page 4, lines 19 to 21, reinstate the stricken language

Page 4, line 35, strike "will" and insert "may"

Page 4, line 35, delete "one year" and insert "90 days"

Page 9, line 3, before the semicolon, insert "*and being under the influence caused or contributed to the death*"

Page 9, line 5, before the comma, insert "*and the alcohol concentration caused or contributed to the death*"

Page 9, line 28, before the semicolon, insert "*and being under the influence caused or contributed to the great bodily harm*"

Page 9, line 30, before the comma, insert "*and the alcohol concentration caused or contributed to the great bodily harm*"

Mr. Sieloff requested division of the amendment as follows:

First portion:

Page 4, lines 19 to 21, reinstate the stricken language

Page 4, line 35, strike "will" and insert "may"

Second portion:

Page 4, line 35, delete "one year" and insert "90 days"

Third portion:

Page 9, line 3, before the semicolon, insert "*and being under the influence caused or contributed to the death*"

Page 9, line 5, before the comma, insert "*and the alcohol concentration caused or contributed to the death*"

Page 9, line 28, before the semicolon, insert "*and being under the influence caused or contributed to the great bodily harm*"

Page 9, line 30, before the comma, insert "*and the alcohol concentration caused or contributed to the great bodily harm*"

The question was taken on the adoption of the first portion of the amendment. The motion did not prevail. So the first portion of the amendment was not adopted.

The question was taken on the adoption of the second portion of the amendment. The motion did not prevail. So the second portion of the amendment was not adopted.

The question was taken on the adoption of the third portion of the amendment. The motion did not prevail. So the third portion of the amendment was not adopted.

S.F. No. 1336 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 1864: A bill for an act relating to state government; amending the

Administrative Procedure Act; establishing an optional negotiated rulemaking procedure; allowing interested persons to respond after a public hearing; removing a requirement that the attorney general review the hearing examiner's hearing report; providing that rules will be adopted without a public hearing unless 25 persons object; providing for notification that rules were modified after proposal; restricting the adoption of temporary rules; providing that exempt rules are not effective unless submitted to the revisor of statutes; providing that judicial review of rules is by the court of appeals with appeal to the supreme court; amending Minnesota Statutes 1982, sections 14.03, subdivision 2; 14.10; 14.14, by adding a subdivision; 14.16; 14.23; 14.25; 14.29; 14.30; 14.31; 14.33; 14.35; 14.36; 14.38, subdivision 1; and 14.44; Minnesota Statutes 1983 Supplement, sections 14.07, subdivisions 2 and 4; 14.08; 14.12; 14.14, subdivision 1; 14.15, subdivision 1; 14.22; 14.26; 14.32; and 14.45; proposing new law coded in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1982, section 14.13; and Minnesota Statutes 1983 Supplement, sections 14.07, subdivision 5; 14.17; and 14.21.

Mr. Knaak moved to amend S.F. No. 1864 as follows:

Page 5, line 31, to page 6, line 12, delete section 10

Page 8, line 1, after "include" insert "*a citation to the most specific statutory authority for the proposed rule, and*"

Page 8, line 2, strike "and a citation to"

Page 8, line 3, strike everything before the period and insert "*unless this would exceed four printed pages, in which case the notice shall include an explanation of the rule and state that a copy of the complete rule is available from the agency at no cost*"

Page 8, line 29, delete "attorney general" and insert "*office of administrative hearings*"

Page 9, line 20, strike "ATTORNEY"

Page 9, line 21, strike "GENERAL" and insert "*OFFICE OF ADMINISTRATIVE HEARINGS*"

Page 9, lines 23, 28, and 33, strike "attorney general" and insert "*office of administrative hearings*"

Page 10, line 3, strike "attorney"

Page 10, line 4, strike the first "general" and insert "*office of administrative hearings*" and strike "attorney general" and insert "*office of administrative hearings*"

Page 10, line 14, strike "attorney general" and insert "*office of administrative hearings*"

Page 10, delete line 18, and insert "*and has established by an affirmative presentation the need for and reasonableness*"

Page 10, lines 20, 23, and 27, strike "attorney general" and insert "*office of administrative hearings*"

Page 10, line 28, strike "the chief"

Page 10, line 29, strike "hearing examiner,"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring notice of intent to adopt rules; requiring a statement of the impact of proposed rules; requiring a statement of need and reasonableness of proposed rules;"

Page 1, line 21, delete "14.15, subdivision 1;"

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

Mrs. McQuaid moved to amend S.F. No. 1864 as follows:

Page 8, line 16, delete "25" and insert "7"

Page 9, line 9, reinstate the stricken "seven" and delete " 25"

Amend the title as follows:

Page 1, lines 7 to 9, delete "providing that rules will be adopted without a public hearing unless 25 persons object;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 29, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Knutson	Mehrkens	Sieloff
Anderson	Isackson	Kroening	Olson	Storm
Benson	Johnson, D.E.	Kronebusch	Peterson, D.L.	Taylor
Berg	Jude	Laidig	Ramstad	
Diessner	Kamrath	Lessard	Reichgott	
Frederick	Knaak	McQuaid	Samuelson	

Those who voted in the negative were:

Bertram	Frank	Moe, D. M.	Petty	Stumpf
Chmielewski	Freeman	Moe, R. D.	Purfeerst	Vega
Dahl	Hughes	Nelson	Renneke	Waldorf
Davis	Lantry	Pehler	Schmitz	Wegscheid
DeCramer	Luther	Peterson, D.C.	Solon	Willet
Dieterich	Merriam	Peterson, R.W.	Spear	

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

Mr. Benson moved to amend S.F. No. 1864 as follows:

Page 16, before line 1, insert:

"Sec. 29. [NO BLANKET EMERGENCY RULEMAKING.]

*No agency may adopt emergency or temporary rules, except with specific statutory authority for each separate rulemaking action."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "prohibiting blanket emergency or temporary rulemaking;"

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

Mr. Frederickson moved to amend S.F. No. 1864 as follows:

Page 12, line 22, delete "tenth" and insert "fifth"

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

Mr. Benson moved to amend S. F. No. 1864 as follows:

Page 11, line 34, after the period, insert:

*"If twenty-five or more persons object, during the notice period, to the adoption of the rule under the emergency rule procedure, the agency must adopt the rule under the procedure for controversial rules, unless the agency is directed by statute, federal law, or court order to use the emergency rule procedure."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adkins	Dieterich	Moe, D. M.	Purfeerst	Waldorf
Bertram	Freeman	Moe, R. D.	Reichgott	Wegscheid
Chmielewski	Hughes	Nelson	Samuelson	Willett
Dahl	Kroening	Pehler	Schmitz	
Davis	Lantry	Peterson, D.C.	Spear	
DeCramer	Luther	Peterson, R.W.	Stumpf	
Diessner	Merriam	Petty	Vega	

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

S.F. No. 1864 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	Frank	Kronebusch	Pehler	Solon
Anderson	Frederick	Laidig	Peterson, D.C.	Spear
Belanger	Frederickson	Lantry	Peterson, D.L.	Storm
Benson	Freeman	Lessard	Peterson, R.W.	Stumpf
Berg	Hughes	Luther	Petty	Taylor
Bertram	Isackson	McQuaid	Purfeerst	Ulland
Chmielewski	Johnson, D.E.	Mehrkins	Ramstad	Vega
Dahl	Jude	Merriam	Reichgott	Waldorf
Davis	Kamrath	Moe, D. M.	Renneke	Wegscheid
DeCramer	Knaak	Moe, R. D.	Samuelson	Willett
Diessner	Knutson	Nelson	Schmitz	
Dieterich	Kroening	Olson	Sieloff	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1880: A bill for an act relating to local government; providing for

financing of county and county regional jails; amending Minnesota Statutes 1982, sections 641.24; and 641.264, subdivision 1.

Mr. Vega moved to amend S. F. No. 1880 as follows:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1982, section 462C.09, is amended by adding a subdivision to read:

*Subd. 2a. [1985 CITY ALLOCATION.] Notwithstanding the allocation provisions of subdivision 2, this subdivision applies to the January, 1985 allocations. Unless otherwise authorized by law, a city that intends to issue during the calendar year 1985 mortgage revenue bonds that are subject to the volume limitation imposed by section 103A(g) of the Internal Revenue Code of 1954, as amended through March 1, 1983, shall by January 2 of 1985 submit to the Minnesota housing finance agency a program that will use a portion of the state mortgage revenue bond ceiling. The total amount of bonds included in all programs submitted pursuant to this subdivision by a city may not exceed \$10,000,000. Each program shall be accompanied by a certificate from the city that states that the revenue bond issue is feasible. By February 1, the Minnesota housing finance agency shall review each program pursuant to section 462C.04, subdivision 2. The Minnesota housing finance agency shall approve all programs that the agency determines are consistent with this chapter, and that meet the following conditions:*

*(a) all of the loans must be reserved for a period of not less than six months for persons and families whose adjusted family income is below 80 percent of the limits on adjusted gross income provided in section 462C.03, subdivision 2; and*

*(b) loans must be made only to finance homes that are serviced by municipal water and sewer utilities; provided that if the approval of all programs would result in an allocation to cities in excess of 27-1/2 percent of the state ceiling for the calendar year 1985, reduced by the amount of bonds that are allocated by law to specified cities, the Minnesota housing finance agency shall approve programs that are submitted by a city which meets any of the following three criteria: (1) a city of the first class, or (2) a city that did not receive an allocation under this subdivision during the preceding two calendar years, or (3) a group of cities that plan to jointly issue bonds for the program provided further that if approval of all of the programs submitted by cities that meet one or more of the criteria in (1), (2), or (3) would result in a total allocation to cities in excess of the portion of the state ceiling available for allocation, then from among those programs the agency shall select by lot the programs to be approved. If a portion of the state ceiling remains unallocated after the agency has approved all programs submitted by cities that meet one or more of the criteria in (1), (2), or (3), the Minnesota housing finance agency shall select by lot from among the remaining programs the programs to be approved. The Minnesota housing finance agency shall determine if a program meets the conditions in clauses (a) and (b) based solely upon the program with accompanying information submitted to the agency. Approval of a program shall constitute an allocation of a portion of the state ceiling for mortgage revenue bonds equal to the proposed bond issue or issues contained in the program, provided that the allocation for the last selected program that receives an allocation may be equal to or less than the*

*amount of the bond issue or issues proposed in the program.*

*If a city which received an allocation pursuant to this subdivision, or which has been allocated a portion of the state ceiling by law and has received approval of one or more programs, has not issued bonds by September 1 in an amount equal to the allocation, and the city intends to issue mortgage revenue bonds prior to the end of the calendar year, the city shall by September 1 submit to the Minnesota housing finance agency for each program a letter that states the city's intent to issue the mortgage revenue bonds prior to the end of the calendar year. If the Minnesota housing finance agency does not receive the letter from the city, then the allocation of the state ceiling for that program shall expire on September 1, and the applicable limit for the Minnesota housing finance agency shall be increased by an amount equal to the unused portion of the allocation to the city. A city referred to in subdivision 1, clause (i), shall not be required to apply under this subdivision with respect to bonds allocated by law to any such city. Nothing in this subdivision shall prevent any such city from applying for an additional allocation of bonds under this subdivision."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for a special allocation of mortgage revenue bonds for calendar year 1985;"

Page 1, line 4, after "sections" insert "462C.09, by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S. F. No. 1880 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1982, section 429.021, subdivision 1, is amended to read:

Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend and maintain steam heating mains.

(4) To install, replace, extend and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend and maintain water

works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care and removal.

(8) To abate nuisances and to drain swamps, marshes and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote a pedestrian skyway system. *Such improvement may be made upon a petition pursuant to section 429.031, subdivision 3.*

(12) To acquire, construct, reconstruct, extend, operate, maintain and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain and promote public malls, plazas or courtyards.

(14) To construct, reconstruct, extend, and maintain district heating systems.

*(15) To construct, reconstruct, alter, extend, operate, maintain and promote fire protection systems in existing buildings, but only upon a petition pursuant to section 429.031, subdivision 3.*

Sec. 2. Minnesota Statutes 1982, section 429.031, subdivision 3, is amended to read:

Subd. 3. [PETITION BY ALL OWNERS.] Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against his property pursuant to section 429.081. *In the case of a petition for the installation of a fire protection or a pedestrian skyway system, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection or pedestrian skyway system. In the case of a petition for the installation of a fire protection or pedestrian skyway system which will be privately owned, the petition shall also contain the plans and specifications for the improvement, the estimated*



*cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection or a pedestrian skyway system, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.*

Sec. 3. Minnesota Statutes 1982, section 429.091, subdivision 2, is amended to read:

Subd. 2. [TYPES OF OBLIGATIONS PERMITTED.] The council may by resolution adopted prior to the sale of obligations pledge the full faith, credit, and taxing power of the municipality for the payment of the principal and interest. Such obligations shall be called improvement bonds and the council shall pay the principal and interest out of any fund of the municipality when the amount credited to the specified fund is insufficient for the purpose and shall each year levy a sufficient amount to take care of accumulated or anticipated deficiencies, which levy shall not be subject to any statutory or charter tax limitation. Obligations for the payment of which the full faith and credit of the municipality is not pledged shall be called improvement warrants or, in the case of bonds for fire protection or pedestrian skyway systems, revenue bonds and shall contain a promise to pay solely out of the proper special fund or funds pledged to their payment. It shall be the duty of the municipal treasurer to pay maturing principal and interest on warrants or revenue bonds out of funds on hand in the proper ~~special fund funds~~ and not otherwise.

Sec. 4. Minnesota Statutes 1982, section 429.101, subdivision 1, is amended to read:

Subdivision 1. [ORDINANCES.] In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges for all or any part of the cost of

(a) snow, ice, or rubbish removal from sidewalks,

(b) weed elimination from streets or private property,

(c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26,

(d) installation or repair of water service lines, street sprinkling or other dust treatment of streets,

(e) the trimming and care of trees and the removal of unsound trees from any street,

(f) the treatment and removal of insect infested or diseased trees on private

property, the repair of sidewalks and alleys, or

(g) the operation of a street lighting system, or

(h) the operation and maintenance of a fire protection or a pedestrian skyway system,

as a special assessment against the property benefited. The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work himself (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the levy of special assessments or service charges for fire protection and pedestrian skyway systems;"

Page 1, line 4, after "sections" insert "429.021, subdivision 1; 429.031, subdivision 3; 429.091, subdivision 2; 429.101, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Davis moved to amend S.F. 1880 as follows:

Page 3, after line 7, insert:

"Sec. 3. [BLUE HILL; POWERS.] *The town of Blue Hill in Sherburne county may exercise the powers set out in Minnesota Statutes, section 368.01, and the powers of a municipality set out in Minnesota Statutes, chapter 474.*"

Page 3, line 9, delete "This act is" and insert "Sections 1 and 2 are"

Page 3, line 9, after the period, insert "Section 3 is effective the day after the town board of Blue Hill complies with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "allowing the town of Blue Hill to exercise certain powers;"

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. moved to amend S. F. No. 1880 as follows:

Page 3, after line 7, insert:

"Sec. 3. Minnesota Statutes 1982, section 462.461, subdivision 1, is amended to read:

Subdivision 1. All construction work, and work of demolition or clearing,

and every purchase of equipment, supplies, or materials, necessary in carrying out the purposes of sections 462.415 to 462.705, that shall involve the expenditure of ~~\$5,000~~ \$15,000 or more shall be awarded by contract as hereinafter provided. Before receiving bids under the provisions of these sections the authority shall publish, once a week for two consecutive weeks in an official newspaper of general circulation in the community a notice that bids will be received for that construction work, or that purchase of equipment, supplies, or materials, stating the nature of the work and the terms and conditions upon which the contract is to be let, naming therein a time and place where bids will be received, opened and read publicly, which time shall be not less than seven days after the date of the last publication. After the bids have been duly received, opened and read publicly and recorded, the authority shall award the contract to the lowest responsible bidder, the authority reserving the right, however, to reject any or all bids, each such contract to be duly executed in writing, and the person to whom the contract is awarded shall give sufficient bond to the authority for its faithful performance. If no satisfactory bid is received, the authority may readvertise. The authority shall have the right to set up reasonable qualifications to determine the fitness and responsibility of bidders and to require bidders to meet such qualifications before bids are accepted.

Sec. 4. Minnesota Statutes 1982, section 462.461, subdivision 2, is amended to read:

Subd. 2. If the authority by an affirmative vote of four-fifths of its members shall declare that an emergency exists requiring the immediate purchase of any equipment or material or supplies at a cost in excess of ~~\$5,000~~ \$15,000, but not exceeding ~~\$10,000~~ \$30,000 in amount, or making of emergency repairs, it shall not be necessary to advertise for bids, but the material, equipment, or supplies may be purchased in the open market at the lowest price obtainable, or the emergency repairs may be contracted for or performed without securing formal competitive bids. An emergency, as considered in sections 462.415 to 462.705, shall be understood to be unforeseen circumstances or conditions which result in the placing in jeopardy of human life or property.

Sec. 5. Minnesota Statutes 1982, section 462.461, subdivision 3, is amended to read:

Subd. 3. Bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of ~~Minnesota Statutes 1945,~~ sections 574.26 to 574.31. *Sections 574.21 to 574.31 and this subdivision do not apply to contracts entered into by an authority for an expenditure of less than \$15,000.*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "letting municipal housing contracts; increasing the amount of expenditures for construction and other work that requires an award by contract;"

Page 1, line 4, after "sections" insert "462.461, subdivisions 1, 2, and 3;"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 1880 as follows:

Page 1, delete lines 8 to 25

Page 2, delete lines 1 to 36

Page 3, delete lines 1 to 7

Re number the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 5

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

S.F. No. 1880 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 27 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Moe, R. D.	Pogemiller	Stumpf
Benson	Freeman	Novak	Reichgott	Wegscheid
Berglin	Hughes	Pehler	Samuelson	Willet
Chmielewski	Lantry	Peterson, C.C.	Solon	
Dahl	Lessard	Peterson, D.C.	Spear	
Davis	Luther	Petty	Storm	

Those who voted in the negative were:

Anderson	Frank	Knaak	Merriam	Sieloff
Belanger	Frederick	Knutson	Olson	Taylor
Berg	Frederickson	Kroening	Peterson, D.L.	Ulland
Bernhagen	Isackson	Kronebusch	Peterson, R.W.	Vega
Bertram	Johnson, D.E.	Laidig	Purfeerst	Waldorf
Diessner	Jude	McQuaid	Ramstad	
Dieterich	Kamrath	Mehrkens	Renneke	

So the bill, as amended, failed to pass.

### SPECIAL ORDER

S.F. No. 1883: A bill for an act relating to occupations and professions; prohibiting evidence of the previous sexual conduct of a patient or client in proceedings concerning unprofessional conduct; proposing new law coded in Minnesota Statutes, chapters 147 and 148.

Ms. Peterson, D.C. moved to amend S. F. No. 1883 as follows:

Page 1, line 17, after "complainant" insert " , unless the evidence would be admissible under the applicable provisions of section 609.347, subdivision 3"

Page 1, line 25, after "complainant" insert " , unless the evidence would be admissible under the applicable provisions of section 609.347, subdivision 3"

The motion prevailed. So the amendment was adopted.

S.F. No. 1883 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Willet voted in the negative.

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

### SPECIAL ORDER

S.F. No. 1548: A bill for an act relating to game and fish; prohibiting taking, possession and transportation of fish in international waters in excess of certain daily limits; regulating enforcement of the laws relating to wild animals; providing for reciprocity with other governments; removing the license surcharge on fish and dark houses; eliminating the discount on walleye buyouts; amending Minnesota Statutes 1982, sections 97.48, subdivision 3; 97.501; Minnesota Statutes 1983 Supplement, sections 97.86, subdivision 1; and 102.26, subdivision 3d.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1498: A bill for an act relating to occupations and professions; clarifying jurisdiction over installment of power limited circuits.

Mr. Waldorf moved to amend S. F. No. 1498 as follows:

Page 1, line 14, before the period, insert "*provided that proof is provided to the board of electricity that a bond and insurance in the amounts required under section 326.242, subdivision 6, have been obtained*"

The motion prevailed. So the amendment was adopted.

Mr. Waldorf then moved to amend S. F. No. 1498 as follows:

Page 1, line 14, after the period, insert "*The exemption provided by this section does not include installation of wiring in hazardous locations as covered by Article 500 of the National Electrical Code.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1498 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 47 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Peterson, D.L.	Storm
Anderson	Frank	Lessard	Peterson, R.W.	Stumpf
Belanger	Frederickson	Luther	Petty	Taylor
Benson	Hughes	McQuaid	Pogemiller	Ulland
Berg	Isackson	Mehrkens	Purfeerst	Waldorf
Berglin	Johnson, D.E.	Merriam	Ramstad	Wegscheid
Bernhagen	Kamrath	Moe, R. D.	Renneke	Willet
Bertram	Knaak	Novak	Sieloff	
Davis	Knutson	Olson	Solon	
DeCramer	Kronebusch	Pehler	Spear	

Those who voted in the negative were:

Chmielewski	Freeman	Kroening	Peterson, C.C.	Reichgott
Dahl	Jude	Lantry	Peterson, D.C.	Samuelson
Dieterich				

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

### SPECIAL ORDER

S.F. No. 2079: A bill for an act relating to gambling; requiring organizations conducting gambling under chapter 349 to file annual reports; proposing new law coded in Minnesota Statutes, chapter 349.

Mr. Bertram moved to amend S. F. No. 2079 as follows:

Page 1, line 16, delete everything after the comma and insert "*the fund raising organization must provide the data required by this section to the department of revenue.*"

Page 1, delete lines 17 and 18

The motion prevailed. So the amendment was adopted.

S.F. No. 2079 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 22 and nays 36, as follows:

Those who voted in the affirmative were:

Bertram	Frank	Luther	Peterson, R. W.	Stumpf
Chmielewski	Hughes	Moe, R. D.	Petty	Willet
Davis	Jude	Olson	Samuelson	
DeCramer	Kronebusch	Pehler	Sieloff	
Dieterich	Lessard	Peterson, C. C.	Solon	

Those who voted in the negative were:

Adkins	Frederick	Kroening	Peterson, D. L.	Taylor
Anderson	Frederickson	Laidig	Pogemiller	Ulland
Belanger	Freeman	Lantry	Purfeerst	Waldorf
Berg	Isackson	McQuaid	Ramstad	Wegscheid
Berglin	Johnson, D. E.	Mehrkens	Reichgott	
Bernhagen	Kamrath	Merriam	Renneke	
Dahl	Knaak	Novak	Spear	
Diessner	Knutson	Peterson, D. C.	Storm	

So the bill, as amended, failed to pass.

### SPECIAL ORDER

S.F. No. 1862: A bill for an act relating to insurance; regulating insurance claims settlement; defining terms; prescribing penalties; providing for the venue for certain injunction proceedings; amending Minnesota Statutes 1982, sections 72A.20, subdivisions 11 and 12, and by adding a subdivision; 72A.23, subdivision 1; and 72A.25, 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 53 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mrs. Kronebusch and Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1826: A bill for an act relating to state government; specifying authority of the governor; specifying powers and duties of the commissioner of the department of energy and economic development; providing services for small businesses; amending Minnesota Statutes 1982, sections 116J.67, subdivision 8; 116J.68; Minnesota Statutes 1983 Supplement, sections

116J.10; 116J.61; proposing new law coded in Minnesota Statutes, chapters 4 and 116J.

Mr. Freeman moved to amend S. F. No. 1826 as follows:

Page 7, lines 5 and 10, before "*business*" insert "*small*"

Page 8, lines 11 and 24, before "*business*" insert "*small*"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend S.F. No. 1826 as follows:

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "chapters 4 and" and insert "chapter"

The motion prevailed. So the amendment was adopted.

S.F. No. 1826 was then progressed.

### SPECIAL ORDER

S.F. No. 2030: A bill for an act relating to public safety; prohibiting the state fire marshal from adopting or enforcing certain rules relating to family or group family day care homes; amending Minnesota Statutes 1982, section 299F.011, by adding a subdivision.

Mr. Luther moved to amend S. F. No. 2030 as follows:

Page 1, line 25, delete everything after the period

Page 1, delete line 26

Page 2, delete line 1

The motion prevailed. So the amendment was adopted.

S.F. No. 2030 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 595: A bill for an act relating to insurance; holding companies;



modifying the commissioner's jurisdiction with respect to the interests of shareholders; making miscellaneous style and form changes; amending Minnesota Statutes 1982, section 60D.02, subdivisions 1, 2, and 4; repealing Minnesota Statutes 1982, sections 60D.01, subdivision 8; and 60D.02, subdivision 5.

Mr. Luther moved to amend S.F. No. 595 as follows:

Page 6, line 1, strike "60" and insert "45"

Page 6, line 8, strike "30" and insert "15"

The motion prevailed. So the amendment was adopted.

S.F. No. 595 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 1732: A bill for an act relating to financial institutions; authorizing industrial loan and thrift companies to act as trustees or custodians of certain retirement accounts; authorizing the removal of the bond requirement on the advertisement and sale of certain evidences of indebtedness; allowing special powers without inclusion in articles of incorporation; providing certain conventional loans on the same terms as other lenders; authorizing open-end loans; providing an alternative to filing fee charges; authorizing the deposit of real estate broker and salesperson trust funds in industrial loan and thrifts; amending Minnesota Statutes 1982, sections 47.75, subdivision 1; 53.04, subdivision 1, and by adding a subdivision; 56.131, subdivision 2; 82.24, subdivisions 1, 2, and 6; Minnesota Statutes 1983 Supplement, sections 53.04, subdivision 3a; and 53.05; proposing new law coded in Minnesota Statutes, chapter 56.

Mr. Wegscheid moved to amend S.F. No. 1732 as follows:

Page 2, line 20, delete "7" and insert "6"

Page 5, line 31, after "loan" insert "at or"

Page 5, line 32, after "balance" insert "first"

Page 6, line 34, delete "section" and insert "sections 56.12 and"

Page 6, line 35, delete the comma

Page 6, delete line 36

Page 7, line 1, delete everything before the period

Page 7, line 1, after the period, insert "In addition,"

The motion prevailed. So the amendment was adopted.

S.F. No. 1732 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 45 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Moe, R. D.	Ramstad
Anderson	Diessner	Knaak	Novak	Reichgott
Belanger	Frederick	Kronebusch	Olson	Renneke
Benson	Frederickson	Laidig	Pehler	Sieloff
Berg	Freeman	Lantry	Peterson, C. C.	Solon
Bernhagen	Hughes	Lessard	Peterson, D. L.	Storm
Chmielewski	Isackson	McQuaid	Peterson, R. W.	Ulland
Dahl	Johnson, D. E.	Mehrkens	Petty	Waldorf
Davis	Jude	Merriam	Pogemiller	Wegscheid

Those who voted in the negative were:

Bertram	Frank	Luther	Spear	Taylor
Dieterich	Kroening	Peterson, D. C.	Stumpf	Willett

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

### SPECIAL ORDER

S.F. No. 1914: A bill for an act relating to airports; metropolitan government; requiring reports to pollution control agency concerning noise abatement for the Minneapolis-St. Paul airport; amending Minnesota Statutes 1982, section 473.612.

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 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Pehler	Solon
Anderson	Dieterich	Kronebusch	Peterson, C. C.	Spear
Belanger	Frank	Laidig	Peterson, D. C.	Storm
Benson	Frederickson	Lantry	Peterson, D. L.	Stumpf
Berg	Freeman	Luther	Peterson, R. W.	Taylor
Berglin	Hughes	McQuaid	Petty	Ulland
Bernhagen	Isackson	Mehrkens	Pogemiller	Waldorf
Chmielewski	Johnson, D. E.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, R. D.	Reichgott	Willett
Davis	Kamrath	Novak	Renneke	
DeCramer	Knaak	Olson	Sieloff	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2009: A bill for an act relating to state lands; conveying certain

lands to the city of Melrose.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Frank	Kronebusch	Pehler	Solon
Belanger	Frederickson	Laidig	Peterson, D.C.	Spear
Benson	Freeman	Lantry	Peterson, D.L.	Storm
Berg	Hughes	Luther	Peterson, R.W.	Stumpf
Berglin	Isackson	McQuaid	Petty	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Ulland
Dahl	Jude	Merriam	Ramstad	Waldorf
Davis	Kamrath	Moe, R. D.	Reichgott	Wegscheid
DeCramer	Knaak	Novak	Renneke	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1976: A bill for an act relating to regulated industries; changing conditions that regulate the telecast of games at metropolitan sports facilities; amending Minnesota Statutes 1982, section 473.581, subdivision 3; repealing Minnesota Statutes 1982, section 473.568.

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 15, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Laidig	Peterson, C.C.	Storm
Anderson	Frederickson	Lantry	Peterson, D.L.	Stumpf
Belanger	Freeman	Lessard	Pogemiller	Taylor
Benson	Hughes	Luther	Ramstad	Ulland
Berg	Isackson	McQuaid	Reichgott	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Renneke	
DeCramer	Jude	Moe, R. D.	Samuelson	
Diessner	Kamrath	Novak	Sieloff	
Frank	Kronebusch	Olson	Solon	

Those who voted in the negative were:

Berglin	Davis	Kroening	Peterson, D.C.	Spear
Bertram	Dieterich	Merriam	Peterson, R.W.	Waldorf
Dahl	Knaak	Pehler	Petty	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 396: A bill for an act relating to taxation; extending Class 3 property to certain property owned by certain fraternal beneficiary societies or associations for community service; exempting sales of candy by nonprofit youth organizations from the sales tax; amending Minnesota Statutes 1983 Supplement, sections 273.13, subdivision 4; and 297A.25, 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1403: A bill for an act relating to the Mississippi River headwaters area; requiring other governmental units to follow the land use plan adopted by the board; proposing new law coded in Minnesota Statutes, chapter 114B.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1819: A bill for an act relating to health; requiring that hearing aid sellers give buyers a right to cancel their purchase; amending Minnesota Statutes 1982, section 145.43, by adding a subdivision; repealing Minnesota Statutes 1982, sections 145.43, subdivision 2; and 145.44.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2102: A bill for an act relating to health; providing counseling and educational services for sudden infant death syndrome families; requiring autopsies on victims of sudden infant death syndrome; requiring the report of sudden infant death to the registrar of vital statistics; amending Minnesota Statutes 1982, sections 144.07; 144.222; and 390.11.

Mrs. McQuaid moved to amend S.F. No. 2102 as follows:

Amend the title as follows:

Page 1, line 4, delete "requiring" and insert "encouraging"

The motion prevailed. So the amendment was adopted.

S.F. No. 2102 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Peterson, C. C.	Spear
Anderson	Dieterich	Kroening	Peterson, D. C.	Storm
Belanger	Frank	Kronebusch	Peterson, D. L.	Taylor
Benson	Frederick	Laidig	Peterson, R. W.	Ulland
Berg	Frederickson	Lantry	Petty	Waldorf
Berglin	Freeman	Luther	Pogemiller	Wegscheid
Bertram	Hughes	McQuaid	Ramstad	Willet
Chmielewski	Isackson	Mehrkins	Reichgott	
Dahl	Johnson, D. E.	Merriam	Renneke	
Davis	Jude	Novak	Sieloff	
DeCramer	Kamrath	Olson	Solon	

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

### SPECIAL ORDER

S.F. No. 1826: A bill for an act relating to state government; specifying authority of the governor; specifying powers and duties of the commissioner of the department of energy and economic development; providing services for small businesses; amending Minnesota Statutes 1982, sections 116J.67, subdivision 8; 116J.68; Minnesota Statutes 1983 Supplement, sections

116J.10; 116J.61; proposing new law coded in Minnesota Statutes, chapters 4 and 116J.

Mr. Benson moved to amend S.F. No. 1826, as follows:

Page 4, lines 7 and 8, delete “, including temporary rules,”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Kroening	Peterson, D.L.	Ulland
Anderson	Frederickson	Kronebusch	Peterson, R.W.	Waldorf
Belanger	Freeman	Laidig	Ramstad	Wegscheid
Benson	Isackson	Lessard	Renneke	
Berg	Jude	McQuaid	Sieloff	
Bertram	Kamrath	Mehrkins	Storm	
Frank	Knaak	Olson	Taylor	

Those who voted in the negative were:

Berglin	Diessner	Merriam	Peterson, D.C.	Samuelson
Chmielewski	Dieterich	Moe, R. D.	Petty	Solon
Dahl	Hughes	Novak	Pogemiller	Spear
Davis	Lantry	Pehler	Purfeerst	Willet
DeCramer	Luther	Peterson, C.C.	Reichgott	

The motion prevailed. So the amendment was adopted.

S.F. No. 1826 was then progressed.

## MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, without objection the Senate reverted to the Order of Business of Reports of Committees and Second Reading of Senate Bills.

## REPORTS OF COMMITTEES

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

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.

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

Page 2, lines 5 and 6, delete the new language

Page 9, after line 2, insert:

"Sec. 5. Minnesota Statutes 1983 Supplement, section 272.03, subdivision 1, is amended to read:

Subdivision 1. [REAL PROPERTY.] (a) For the purposes of taxation, "real property" includes the land itself, rails, ties, and other track materials annexed to the land, and all buildings, structures, and improvements or other fixtures on it, *bridges of bridge companies*, and all rights and privileges belonging or appertaining to ~~the land~~, and all mines, minerals, quarries, fossils, and trees on or under it.

(b) A building or structure shall include the building or structure itself, together with all improvements or fixtures annexed to the building or structure, which are integrated with and of permanent benefit to the building or structure, regardless of the present use of the building, and which cannot be removed without substantial damage to itself or to the building or structure.

(c) (i) The term real property shall not include tools, implements, machinery, and equipment attached to or installed in real property for use in the business or production activity conducted thereon, regardless of size, weight or method of attachment.

(ii) The exclusion provided in clause (c) (i) shall not apply to machinery and equipment includable as real estate by clauses (a) and (b) even though such machinery and equipment is used in the business or production activity conducted on the real property if and to the extent such business or production activity consists of furnishing services or products to other buildings or structures which are subject to taxation under this chapter.

Sec. 6. Minnesota Statutes 1982, section 272.03, subdivision 2, is amended to read:

Subd. 2. [PERSONAL PROPERTY.] For the purposes of taxation, "personal property" includes:

(1) All goods, chattels, money and effects;

(2) All ships, boats, and vessels belonging to inhabitants of this state and all capital invested therein;

(3) All improvements upon land the fee of which is vested in the United States, and all improvements upon land the title to which is vested in any corporation whose property is not subject to the same mode and rule of taxation as other property;

(4) All stock of nurserymen, growing or otherwise;

(5) All gas, electric, and water mains, pipes, conduits, subways, poles, and wires of gas, electric light, water, heat, or power companies, and all tracks, roads, ~~bridges~~, conduits, poles, and wires of street railway, plank

road, gravel road, and turnpike, and bridge companies;

(6) All credits over and above debts owed by the creditor;

(7) The income of every annuity, unless the capital of the annuity is taxed within this state;

(8) All public stocks and securities;

(9) All personal estate of moneyed corporations, whether the owners reside within or without the state;

(10) All shares in foreign corporations owned by residents of this state; and

(11) All shares in banks organized under the laws of the United States or of this state."

Page 30, line 36, delete "43" and insert "45"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "5;" insert "272.03, subdivision 2;"

Page 1, line 16, after the semicolon, insert "272.03, subdivision 1;"

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

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed.

## SECOND READING OF HOUSE BILLS

H.F. No. 1815 was read the second time.

## RECESS

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

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

## APPOINTMENTS

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

H.F. No. 1814: Messrs. Johnson, D.J.; Vega and Berg.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hughes moved that S.F. No. 1928, No. 28 on Special Orders, be stricken and returned to its author. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, without



objection the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Messrs. Frank and Belanger introduced—

S.F. No. 2212: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 6; prohibiting lawyers from serving in the legislature.

Referred to the Committee on Elections and Ethics.

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

Mr. Petty moved that S.F. No. 1834, No. 44 on Special Orders, be stricken and returned to its author. The motion prevailed.

Ms. Peterson, D.C. moved that S.F. No. 1995, No. 66 on Special Orders, be stricken and returned to its author. The motion prevailed.

Mr. Peterson, R.W. moved that S.F. No. 1671, No. 23 on Special Orders, be stricken and returned to its author. The motion prevailed.

Ms. Olson moved that S.F. No. 1719, No. 38 on Special Orders, be stricken and returned to its author. The motion prevailed.

### **MEMBERS EXCUSED**

Mr. Dicklich was excused from the Session of today. Mr. Peterson, C.C. was excused from the Session of today until 3:45 p.m. Mr. Jude was excused from the Session of today from 11:00 to 11:25 a.m. Mr. Ramstad was excused from the Session of today from 11:00 to 11:30 a.m. Messrs. Storm and Knaak were excused from the Session of today from 11:00 to 11:45 a.m. Mrs. McQuaid and Mr. Novak were excused from the Session of today from 11:00 a.m. to 12:00 noon. Messrs. Laidig and Kroening were excused from the Session of today from 11:00 a.m. to 12:30 p.m. Mr. Nelson was excused from the Session of today from 11:00 a.m. to 1:15 p.m. and from 3:00 to 6:15 p.m. Mr. Schmitz was excused from the Session of today from 3:30 to 6:15 p.m. Mr. Pogemiller was excused from the Session of today from 3:00 to 4:00 p.m. Mr. Johnson, D.E. was excused from the Session of today from 6:00 to 6:15 p.m. Mr. Stumpf was excused from the Session of today from 5:45 to 6:15 p.m. Mr. Johnson, D.J. was excused from the Session of today from 12:00 noon to 6:15 p.m. Mr. Vega was excused from the Session of today from 4:00 to 6:15 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Monday, April 16, 1984. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate