

## EIGHTIETH DAY

St. Paul, Minnesota, Tuesday, April 17, 1984

The Senate met at 9:30 a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Roy D. Phillips.

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

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

The President declared a quorum present.

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

### 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. 2016 at 9:30 a.m.:

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

### 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. 1504, 1351 and 1642.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 16, 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. 746: A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

Senate File No. 746 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 16, 1984

### CONCURRENCE AND REPASSAGE

Mr. Renneke moved that the Senate concur in the amendments by the House to S.F. No. 746 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 746 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1473: A bill for an act relating to real property; allowing service of summons upon dissolved domestic corporations; amending provisions related to the abolition of dower and curtesy; amending Minnesota Statutes 1982, sections 508.16, subdivision 1; 519.09; and 519.101.

Senate File No. 1473 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 16, 1984

Ms. Reichgott moved that S.F. No. 1473 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1526: A bill for an act relating to energy; directing the legislative commission on energy to prepare a policy statement on the expenditure of federal money for energy programs; requiring review of state plans to spend federal energy money; amending Minnesota Statutes 1982, section 3.351, by adding subdivisions.

Senate File No. 1526 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 16, 1984

Mr. Vega moved that S.F. No. 1526 be laid on the table. The motion prevailed.

Ms. Reichgott moved that S.F. No. 1473 be taken from the table. The motion prevailed.

S.F. No. 1473: A bill for an act relating to real property; allowing service of summons upon dissolved domestic corporations; amending provisions related to the abolition of dower and curtesy; amending Minnesota Statutes 1982, sections 508.16, subdivision 1; 519.09; and 519.101.

### CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 1473 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1473: A bill for an act relating to real property; providing that certain instruments may be recorded without an auditor's certificate; allowing service of summons upon dissolved domestic corporations; amending provisions related to the abolition of dower and curtesy; clarifying when the right of possession passes after a sale on execution or judgment or mortgage foreclosure; providing for a notice in certain cases; requiring storage of abstracts of title to be stored in Minnesota with certain exceptions; amending Minnesota Statutes 1982, sections 272.12; 508.16, subdivision 1; 519.09; 519.101; and 566.03, subdivision 1.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1760: A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

Senate File No. 1760 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 16, 1984

### CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 1760 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1760 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1453, 1376, 1588, 1920, 1769, 2188, 49, 100, 1237, 820, 1069, 1402, 1427, 1711, 2006, 1707, 1842, 1857, 966, 1524, 2051, 1678, 1689, 1966, 688 and 1264.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 16, 1984

**FIRST READING OF HOUSE BILLS**

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

H.F. No. 1453: A bill for an act relating to taxation; sales and use; providing for timely payment of sales and use taxes; amending Minnesota Statutes 1983 Supplement, section 297A.27, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 1376: A bill for an act establishing an agricultural resource loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amending Minnesota Statutes 1982, sections 297A.44, subdivision 1; 362A.01, subdivision 1; and 362A.05; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Mr. Peterson, C.C. moved that H.F. No. 1376 be laid on the table. The motion prevailed.

H.F. No. 1588: A bill for an act relating to public welfare; clarifying eligibility requirements for the state general assistance program; reducing certain appropriations; amending Minnesota Statutes 1982, sections 256D.02, subdivisions 6 and 8, and by adding a subdivision; 256D.06, subdivision 3; and 256D.15; Minnesota Statutes 1983 Supplement, sections 256D.01, subdivision 1; and 256D.111, subdivisions 1, 2, and 5.

Referred to the Committee on Finance.

H.F. No. 1920: A bill for an act relating to public welfare; establishing payments for respite care of children who are mentally retarded, have epilepsy, or are emotionally handicapped; establishing a statewide fee schedule for parental cost of care; amending Minnesota Statutes 1982, sections 246.511; 252.27, subdivisions 1 and 2; and Minnesota Statutes 1983 Supplement, section 256B.14, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1916.

H.F. No. 1769: A bill for an act relating to water pollution control; establishing an independent state grants program for the construction of municipal wastewater treatment facilities; appropriating money; amending

Minnesota Statutes 1982, sections 115.03, subdivision 1; 116.16, subdivisions 2, 4, 5, 9, and by adding a subdivision; 116.18, subdivisions 2 and 4, and by adding subdivisions; Minnesota Statutes 1983 Supplement, section 116.18, subdivision 1; repealing Minnesota Statutes 1982, section 116.16, subdivisions 6 and 7.

Referred to the Committee on Finance.

H.F. No. 2188: A bill for an act relating to Indians; providing for partial settlement of Indian land claims on the White Earth Reservation; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2067, now on Special Orders.

H.F. No. 49: A bill for an act relating to holidays; establishing Martin Luther King's birthday as a holiday; ending observation of Martin Luther King's birthday in public schools on January 15; prohibiting school districts and state colleges from conducting classes on Martin Luther King's birthday; amending Minnesota Statutes 1982, sections 126.10; 126.13; 136.22; and 645.44, subdivision 5.

Referred to the Committee on Finance.

H.F. No. 100: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Referred to the Committee on Finance.

H.F. No. 1237: A bill for an act relating to agriculture; establishing a program to encourage milk consumption in schools; creating a special account in the treasury; appropriating money; proposing new law coded in Minnesota Statutes, chapter 121.

Referred to the Committee on Education. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

H.F. No. 820: A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring safety certificates of youthful operators; prescribing penalties; appropriating funds; proposing new law coded in Minnesota Statutes, chapter 84.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 991.

H.F. No. 1069: A bill for an act relating to federal block grants; providing for annual legislative hearings on federal block grant implementation and effects; proposing new law coded in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations.

H.F. No. 1402: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Rules and Administration for comparison

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

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. 1916: A bill for an act relating to public welfare; establishing payments for respite care of children who are mentally retarded, have epilepsy, or are emotionally handicapped; establishing a statewide fee schedule for parental cost of care; amending Minnesota Statutes 1982, sections 246.511; 252.27, subdivisions 1 and 2; and Minnesota Statutes 1983 Supplement, section 256B.14, subdivision 2.

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

Page 2, line 36, delete everything after the period

Page 3, delete line 1

Page 3, line 2, delete "*the parent and child.*"

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. 991: A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring safety certificates of youthful operators; prescribing penalties; creating a three-wheel off-road vehicle safety account in the state treasury; appropriating funds; amending Minnesota Statutes 1982, section 84.87; proposing new law coded in Minnesota Statutes, chapter 84.

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

Page 8, line 14, delete everything after "*The*"

Page 8, delete lines 15 and 16

Page 9, line 7, delete "84.928" and insert "84.927" and delete "DISPOSITION OF RECEIPTS" and insert "REGISTRATION FEES; UNREFUNDED GASOLINE TAX; ALLOCATION"

Page 9, delete subdivision 2

Page 9, delete lines 19 and 20 and insert:

*"Subd. 2. [PURPOSES.] Subject to appropriation by the legislature, money in the three-wheel off-road vehicle account may only be spent for"*

Page 9, delete line 22 and insert:

*"(1) the education and"*

Page 9, line 24, delete "*for*" and after "*administration*" insert "*and implementation*" and delete "*this act*" and insert "*sections 1 to 10*"

Page 9, line 25, delete "for" and after "of" insert " vehicle"

Page 9, delete lines 26 to 32

Page 9, line 33, after the second period, insert "[84.929]"

Page 9, after line 35, insert:

"Sec. 9. [DETERMINATION OF TAX ALLOCATION.]

*The commissioners of natural resources, revenue, and transportation shall jointly determine the amount of unrefunded gasoline tax attributable to vehicle use in this state and shall report to the legislature by January 1, 1985, with a proposed revision of section 296.16 to reflect the results of this use.*

Sec. 10. [REPORT ON VEHICLE REGISTRATION, PROGRAMS, AND USE.]

*By January 1, 1986, the commissioner shall report to the standing committees of each house of the legislature with jurisdiction over natural resources and appropriation matters on the number of vehicles registered under section 3, the implementation of the vehicle information and safety education and training program, and the growth patterns of vehicle use in the state.*

Sec. 11. [APPROPRIATIONS.]

*Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] The sum of \$135,000 is appropriated from the general fund to the commissioner of natural resources to be available for the fiscal year 1985 for administration and implementation of sections 1 to 10.*

*Subd. 2. [COMMISSIONER OF REVENUE.] The sum of \$10,000 is appropriated from the general fund to the commissioner of revenue to be available for the fiscal year 1985 for the gas tax study and report in section 9.*

*Subd. 3. [REIMBURSEMENT.] Any amounts spent by the commissioner of natural resources from the appropriation in subdivision 1 and by the commissioner of revenue from the appropriation in subdivision 2 shall be reimbursed to the general fund. The amount necessary to make the reimbursement is appropriated from the three-wheel off-road vehicle account to the commissioner of finance for transfer to the general fund."*

Page 10, delete lines 1 and 2 and insert "This act is effective July 1, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the second semicolon, insert "appropriating money;"

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. 950: A bill for an act relating to state government; governing compensation of members of boards, councils, and committees who are public employees; providing for per diem compensation for attendance of commissioners of the Northwest Minnesota Multi-County Housing and Re-



development Authority at meetings; amending Minnesota Statutes 1982, sections 15.059, subdivision 3; and 214.09, subdivision 3; proposing new law coded in Minnesota Statutes, chapter 121.

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. 2098: A bill for an act relating to commerce; regulating pipefitters and pipefitting; regulating pressure vessels; amending Minnesota Statutes 1982, sections 326.46; 326.47; 326.48; and 326.50; proposing new law coded in Minnesota Statutes, chapters 175 and 326; repealing Minnesota Statutes 1982, section 326.49.

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

Page 1, line 13, before "PIPING" insert "*HIGH PRESSURE*"

Page 1, line 26, delete "*or chilled water for cooling*" and insert "*that exceed 30 psi gauge and 250 degrees Fahrenheit*"

Page 2, line 28, delete everything after the second comma

Page 2, line 29, delete the first "*and*" and insert "*provide for the*"

Page 2, line 29, delete "*systems*" and insert "*system materials and construction,*"

Page 2, line 31, delete everything after "*with*"

Page 2, line 32, delete the first "*ordinance*" and insert "*state standards*"

Page 2, line 33, delete "*approving plans*" and insert "*assuring compliance with state standards*"

Page 3, line 8, delete "*cities of the first class*" and insert "*municipalities*"

Page 3, line 12, delete "*If*"

Page 3, line 13, delete everything before the second "*the*"

Page 3, line 14, delete "*filing*" and delete "*or*" and insert "*but shall not be less than*"

Page 3, line 15, delete "*whichever is*" and insert "*nor*" and before the period, insert "*than \$2,000*"

Page 3, line 15, delete everything after the period

Page 3, delete lines 16 and 17

Page 4, line 12, reinstate the stricken language

Page 4, line 13, reinstate the stricken "*shall be required for*" and reinstate the stricken "*repairs on existing installations*"

Page 4, line 16, reinstate the stricken period

Page 5, line 29, reinstate the stricken "*and repair*"

Page 7, after line 1, insert:

“Sec. 7. [APPROPRIATION.]

*For the fiscal year ending June 30, 1985, the sum of \$197,200, is appropriated from the general fund to the commissioner of labor and industry. This appropriation is for increased personnel and expenses related to the duties contained in this act. The approved complement of the department of labor and industry is increased by five.*

*It is estimated that \$197,200, in nondedicated receipts will be deposited in the general fund in fiscal year 1985 resulting from fees authorized in this act.”*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “regulating pressure vessels” and insert “appropriating money”

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. 1985: A bill for an act relating to public welfare; revising procedures for determining operating cost payment rates for nursing homes; amending Minnesota Statutes 1982, section 144.072; Minnesota Statutes 1983 Supplement, sections 144A.31, subdivision 4; 256B.421, subdivisions 2, 5, and 8; 256B.431, subdivisions 1, 2, 4, 5, and by adding a subdivision; and 256B.50; proposing new law coded in Minnesota Statutes, chapter 144.

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 144.072, is amended to read:

**144.072 [IMPLEMENTATION OF SOCIAL SECURITY AMENDMENTS OF 1972.]**

*Subdivision 1. [RULES.] The state commissioner of health shall implement by rule, pursuant to the administrative procedures act, those provisions of the social security amendments of 1972 (P. L. 92-603) required of state health agencies, including rules which:*

(a) establish a plan, consistent with regulations prescribed by the secretary of health, education, and welfare, for the review by appropriate professional health personnel, of the appropriateness and quality of care and services furnished to recipients of medical assistance; and

(b) provide for the determination as to whether institutions and agencies meet the requirements for participation in the medical assistance program, and the certification that those requirements, including utilization review, are being met.

*Subd. 2. [EXISTING PROCEDURES.] The policies and procedures, including survey forms, reporting forms, and other documents developed by the commissioner of health for the purpose of conducting the inspections of*

*care required under Code of Federal Regulations, title 42, sections 456.600 to 456.614, in effect on March 1, 1984, have the force and effect of law and shall remain in effect and govern inspections of care until June 30, 1986, unless otherwise superseded by rules adopted by the commissioner of health.*

**Sec. 2. [144.0721] [ASSESSMENTS OF CARE AND SERVICES TO NURSING HOME RESIDENTS.]**

*Subdivision 1. The commissioner of health shall assess the appropriateness and quality of care and services furnished to private paying residents in nursing homes and boarding care homes that are certified for participation in the medical assistance program under United States Code, title 42, sections 1396-1396p. These assessments shall be conducted in accordance with section 144.072, with the exception of provisions requiring recommendations for changes in the level of care provided to the private paying residents.*

*Subd. 2. [ACCESS TO DATA.] With the exception of summary data, data on individuals that is collected, maintained, used, or disseminated by the commissioner of health under subdivision 1 is private data on individuals and shall not be disclosed to others except:*

*(1) under section 13.05;*

*(2) under a valid court order;*

*(3) to the nursing home or boarding care home in which the individual resided at the time the assessment was completed; or*

*(4) to the commissioner of public welfare.*

**Sec. 3. Minnesota Statutes 1983 Supplement, section 144A.31, subdivision 4, is amended to read:**

**Subd. 4. [ENFORCEMENT.]** The board shall develop and recommend for implementation effective methods of enforcing quality of care standards. When it deems necessary, and when all other methods of enforcement are not appropriate, the board shall recommend to the commissioner of health closure of all or part of a nursing home or certified boarding care home and revocation of the license. The board shall develop, and the commissioner of public welfare shall implement, a resident relocation plan that instructs the county in which the nursing home or certified boarding care home is located of procedures to ensure that the needs of residents in nursing homes or certified boarding care homes about to be closed are met. The duties of a county under the relocation plan also apply when residents are to be discharged from a nursing home or certified boarding care home as a result of a change in certification, closure, or loss or termination of the facility's medical assistance provider agreement. The county shall ensure placement in swing beds in hospitals, placement in unoccupied beds in other nursing homes, utilization of home health care on a temporary basis, foster care placement, or other appropriate alternative care. In preparing for relocation, the board shall ensure that residents and their families or guardians are involved in planning the relocation.

**Sec. 4. Minnesota Statutes 1982, section 256B.25, is amended to read:**

**256B.25 [PAYMENTS TO ~~LICENSED~~ CERTIFIED FACILITIES.]**

*Subdivision 1. Payments may not be made hereunder for care in any private*

or public institution, including but not limited to hospitals and nursing homes, unless licensed by an appropriate licensing authority of this state, any other state, or a Canadian province and if applicable, certified by an appropriate authority under United States Code, title 42, sections 1396-1396p.

*Subd. 2. The payment of state or county funds to nursing homes, boarding care homes, and supervised living facilities, except payments to state operated institutions, for the care of persons who are eligible for medical assistance, shall be made only through the medical assistance program, except as provided in subdivision 3.*

*Subd. 3. The limitation in subdivision 2 shall not apply to:*

*(a) payment of Minnesota supplemental assistance funds to recipients who reside in facilities which are involved in litigation contesting their designation as an institution for treatment of mental disease;*

*(b) payment or grants to a boarding care home or supervised living facility licensed by the department of public welfare under 12 MCAR 2.036, 12 MCAR 2.035, 12 MCAR 2.005, or 12 MCAR 2.008, or payment to recipients who reside in these facilities;*

*(c) payments or grants to a boarding care home or supervised living facility which are ineligible for certification under United States Code, title 42, sections 1396-1396p;*

*(d) payments or grants otherwise specifically authorized by statute or rule.*

Sec. 5. Minnesota Statutes 1983 Supplement, section 256B.421, subdivision 2, is amended to read:

Subd. 2. [ACTUAL ALLOWABLE HISTORICAL OPERATING COST PER DIEM.] "Actual allowable historical operating cost per diem" means the per diem ~~payment for actual operating costs; including operating costs;~~ allowed by the commissioner for the most recent reporting year.

Sec. 6. Minnesota Statutes 1983 Supplement, section 256B.421, subdivision 5, is amended to read:

Subd. 5. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, ~~medical directors;~~ accounting personnel, data processing personnel, and all clerical personnel; board of directors fees; business office functions and supplies; ~~travel, except as necessary for training programs for nursing personnel and dieticians required to maintain licensure, certification, or professional standards requirements;~~ telephone and telegraph; advertising; ~~licenses and permits;~~ membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 14; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training, for any top management personnel and for other than direct resident care related personnel; and business meetings and seminars. These costs shall be included in general and administrative costs in total, without direct or indirect allocation to other cost categories.

In a nursing home of 60 or fewer beds, part of an administrator's salary

may be allocated to other cost categories to the extent justified in records kept by the nursing home. Central or home office costs representing services of required consultants in areas including, but not limited to, dietary, pharmacy, social services, or activities may be allocated to the appropriate department, but only if those costs are directly identified by the nursing home.

Sec. 7. Minnesota Statutes 1983 Supplement, section 256B.421, subdivision 8, is amended to read:

Subd. 8. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, including nurses and nursing assistants training; dietary; laundry and linen; housekeeping; plant operation and maintenance; other care-related services; general and administration; payroll taxes; real estate taxes and actual special assessments paid; and fringe benefits, including clerical training; *and travel necessary for training programs for nursing personnel and dieticians required to maintain licensure, certification, or professional standards requirements.*

Sec. 8. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 1, is amended to read:

Subdivision 1. [IN GENERAL.] The commissioner shall determine prospective payment rates for resident care costs. In determining the rates, the commissioner shall group nursing homes according to different levels of care and geographic location until July 1, 1985; ~~and after that date, mix of resident needs, and geographic location, as defined by the commissioner.~~ *For rates established on or after July 1, 1985, the commissioner shall develop procedures for determining operating cost payment rates that take into account the mix of resident needs, geographic location, and other factors as determined by the commissioner. The commissioner shall consider whether the fact that a facility is attached to a hospital or has an average length of stay of 180 days or less should be taken into account in determining rates.* The commissioner shall consider the use of the standard metropolitan statistical areas when developing groups by geographic location. ~~Until groups are established according to mix of resident needs the commissioner establishes procedures for determining operating cost payment rates,~~ the commissioner shall group all convalescent and nursing care units attached to hospitals into one group for purposes of determining reimbursement for operating costs. On or before June 15, 1983, the commissioner shall mail notices to each nursing home of the rates to be effective from July 1 of that year to June 30 of the following year. In subsequent years, the commissioner shall provide notice to each nursing home on or before May 1 of the rates effective for the following rate year. If a statute enacted after May 1 affects the rates, the commissioner shall provide a revised notice to each nursing home as soon as possible.

The commissioner shall establish, by rule, limitations on compensation recognized in the historical base for top management personnel. *Compensation for top management personnel shall continue to be categorized as a general and administrative cost and is subject to any limits imposed on that cost category.* The commissioner shall also establish, by rule, limitations on allowable nursing hours for each level of care for the rate years beginning July 1, 1983 and July 1, 1984. *For the rate year beginning July 1, 1984, nursing homes in which the nursing hours exceeded 2.9 hours per day for skilled*

*nursing care or 2.3 hours per day for intermediate care for the reporting year ending on September 30, 1983, shall be limited to a maximum of 3.2 hours per day for skilled nursing care and 2.6 hours per day for intermediate care.*

Sec. 9. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 2, is amended to read:

Subd. 2. [OPERATING COSTS, 1984-85.] (a) *For the rate year beginning July 1, 1984, the commissioner shall establish, by rule, procedures for determining per diem reimbursement for operating costs based on actual resident days. The commissioner shall disallow any portion of the general and administration cost category, exclusive of fringe benefits and payroll taxes, that exceeds:*

*10 percent (1) for nursing homes with more than 100 certified beds in total, the greater of ten percent or \$2.95 per day per resident for skilled level, \$2.54 per day per resident for intermediate care one level, or \$1.82 per day per resident for intermediate care two level;*

*12 percent (2) for nursing homes with fewer than 101 but more than 40 certified beds in total, the greater of 12 percent or \$3.06 per day per resident for skilled level, \$2.70 per day per resident for intermediate care one level, or \$1.82 per day per resident for intermediate care two level;*

*14 percent (3) for nursing homes with 40 or fewer certified beds in total, the greater of 14 percent or \$5.78 per day per resident for skilled level, \$3.72 per day per resident for intermediate care one level, or \$3.72 per day per resident for intermediate care two level; and*

*(4) 15 percent for convalescent and nursing care units attached to hospitals for the rate year beginning July 1, 1983 1984,*

*of the expenditures in all operating cost categories except fringe benefits, payroll taxes, and general and administration.*

*(b) Subd. 2a. [OPERATING COSTS, 1983-1984.] For the rate year beginning July 1, 1983, and ending June 30, 1984, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on the allowed historical operating costs as reported in the most recent cost report received by December 31, 1982 and audited by March 1, 1983, and may be subsequently adjusted to reflect the costs allowed. To determine the allowed historical operating cost, the commissioner shall update the historical per diem shown in those cost reports to June 30, 1983, using a nine percent annual rate of increase after applying the general and administrative cost limitation described in paragraph (a) subdivision 2. The commissioner shall calculate the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1.*

*(1) (a) Within each group, each nursing home whose actual allowable historical operating cost per diem as determined under this paragraph (b) subdivision is above the 60th percentile shall receive the 60th percentile increased by six percent plus 80 percent of the difference between its actual allowable operating cost per diem and the 60th percentile.*

*(2) (b) Within each group, each nursing home whose actual allowable historical operating cost per diem is at or below the 60th percentile shall receive*

that actual allowable historical operating cost per diem increased by six percent.

For the rate year beginning July 1, 1984, and ending June 30, 1985, the prospective operating cost payment rate for each nursing home shall be determined by the commissioner based on actual allowable historical operating costs incurred during the reporting year preceding the rate year. The commissioner shall analyze and evaluate each nursing home's report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year. The actual allowable historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the number of actual resident days to compute the actual allowable historical operating cost per diems. The commissioner shall calculate the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1.

(3) (c) Within each group, each nursing home whose actual allowable historical operating cost per diem is above the 60th percentile of payment rates shall receive the 60th percentile increased at an annual rate of six percent plus 75 percent of the difference between its actual allowable historical operating cost per diem and the 60th percentile.

(4) (d) Within each group, each nursing home whose actual allowable historical operating cost per diem is at or below the 60th percentile shall receive that actual allowable historical operating cost per diem increased at an annual rate of six percent.

(e) *Subd. 2b. [OPERATING COSTS, AFTER JULY 1, 1985.] (a) For subsequent years rate years beginning on or after July 1, 1985, the commissioner shall establish procedures for determining per diem reimbursement for operating costs.*

(4) (b) *The commissioner shall contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rates.*

(2) *Establish the 60th percentile of actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. (c) The commissioner shall analyze and evaluate each nursing home's cost report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective. The allowable historical operating costs, after the commissioner's analysis and evaluation, shall be added together and divided by the actual number of resident days in order to compute the actual allowable historical operating cost per diem;*

(d) *The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, age, size of the nursing home, and the costs that must be incurred for the care of residents in an efficiently and economically operated nursing home. The limits established by the commissioner shall not be less, in the aggregate, than the 60th*

percentile of total actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per diems for purposes of setting limits and nursing home payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing home is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent. The commissioner shall establish efficiency incentives as appropriate. The commissioner may establish efficiency incentives for different operating cost categories. The commissioner shall consider establishing efficiency incentives in care related cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories.

(3) (e) The commissioner shall establish a composite index for each group or indices by determining the weighted average of all appropriate economic change indicators to be applied to the specific operating cost categories in that group; or combination of operating cost categories.

(4) Within each group, each nursing home shall receive the 60th percentile increased by the composite index calculated in paragraph (e)(3). The historical base for determining the prospective payment rate shall not exceed the operating cost payment rates during that reporting year.

(f) Each nursing home shall receive an operating cost payment rate equal to the sum of the nursing home's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing home's historical operating cost in the category increased by the appropriate index established in paragraph (e) for the operating cost category plus an efficiency incentive established pursuant to paragraph (d) or the limit for the operating cost category increased by the same index. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(g) The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability and actual special assessments paid for each nursing home (i) (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, but (ii) shall not be used to compute the 60th percentile (2) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices es-



tablished pursuant to paragraph (e).

*Subd. 2c. [OPERATING COSTS AFTER JULY 1, 1986.] For rate years beginning on or after July 1, 1986, the commissioner may allow a one time adjustment to historical operating costs of a nursing home that has been found by the commissioner of health to be significantly below care related minimum standards appropriate to the mix of resident needs in that nursing home when it is determined by the commissioners of health and public welfare that the nursing home is unable to meet minimum standards through reallocation of nursing home costs and efficiency incentives or allowances. In developing procedures to allow adjustments, the commissioner shall specify the terms and conditions governing any additional payments made to a nursing home as a result of the adjustment. The commissioner shall establish procedures to recover amounts paid under this subdivision, in whole or in part, and to adjust current and future rates, for nursing homes that fail to use the adjustment to satisfy care related minimum standards.*

*(d) The commissioner shall allow the nursing home to keep, as an efficiency incentive, the difference between the nursing home's operating cost payment rate established for that rate year and the actual historical operating costs incurred for that rate year, if the latter amount is smaller. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up.*

*Subd. 2d. If an annual cost report or field audit indicates that the expenditures for direct resident care have been reduced in amounts large enough to indicate a possible detrimental effect on the quality of care, the commissioner shall notify the commissioner of health and the interagency board for quality assurance. If a field audit reveals that unallowable expenditures have been included in the nursing home's historical operating costs, the commissioner shall disallow the expenditures and recover the entire overpayment. The commissioner shall establish, by rule, procedures for assessing an interest charge at the rate determined for unpaid taxes or penalties under section 270.75 on any outstanding balance resulting from an overpayment or underpayment.*

*(e) Subd. 2e. [NEGOTIATED RATES.] Until procedures for determining operating cost payment rates according to mix of resident needs are established, the commissioner may negotiate, with a nursing home that is eligible to receive medical assistance payments, a payment rate of up to 125 percent of the allowed payment rate to be paid for a period of up to three months for individuals who have been hospitalized for more than 100 days, or who have extensive care needs based on nursing hours actually provided or mental or physical disability, or who need for respite care for a specified and limited time period; and. The payment rate shall be based on an assessment of the nursing home's resident mix as determined by the commissioner of health. The payment rate negotiated and paid pursuant to this paragraph is specifically exempt from the definition of "rule" and the rule-making procedures required by chapter 14 and section 256B.502.*

*(f) Subd. 2f. [EXCLUSION.] Until groups are established according to mix of resident care needs procedures for determining operating cost payment rates according to mix of resident needs are established, nursing homes licensed on June 1, 1983 by the commissioner to provide residential services*

for the physically handicapped and nursing homes that have an average length of stay of less than 180 days shall not be included in the calculation of the 60th percentile of any group. For rate year beginning July 1, 1983 and July 1, 1984, each of these nursing homes shall receive their actual allowed historical operating cost per diem increased by six percent. The commissioner shall also apply to these nursing homes the percentage limitation on the general and administrative cost category as provided in subdivision 2, paragraph (a).

Sec. 10. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 4, is amended to read:

Subd. 4. [SPECIAL RATES.] (a) A newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(f), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for more than 17 months. The commissioner shall establish, by temporary and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. *Until procedures determining operating cost payment rates according to mix of resident needs are established*, the commissioner shall establish by rule procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.

*(b) For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR S 2.050 any facility that is licensed by the commissioner of health only as a boarding care home, is certified by the commissioner of health as an intermediate care facility, is licensed by the commissioner of public welfare under 12 MCAR S 2.036, and has less than five percent of its licensed boarding care capacity reimbursed by the medical assistance program. Until a permanent rule to establish the payment rates for facilities meeting these criteria is promulgated, the commissioner shall establish the medical assistance payment rate as follows:*

*(1) The desk audited payment rate in effect on June 30, 1983, remains in effect until the end of the facility's fiscal year. The commissioner shall not allow any amendments to the cost report on which this desk audited payment rate is based.*

*(2) For each fiscal year beginning between July 1, 1983, and June 30, 1985, the facility's payment rate shall be established by increasing the desk audited operating cost payment rate determined in clause (1) at an annual rate of five percent.*

*(3) For fiscal years beginning on or after July 1, 1985, the facility's payment rate shall be established by increasing the facility's payment rate in the facility's prior fiscal year by the increase indicated by the consumer price index for Minneapolis and St. Paul.*

*(4) For the purpose of establishing payment rates under this paragraph, the facility's rate and reporting years coincide with the facility's fiscal year.*

*A facility that meets the criteria of this paragraph shall submit annual cost reports on forms prescribed by the commissioner.*

Sec. 11. Minnesota Statutes 1983 Supplement, section 256B.431, subdivision 5, is amended to read:

Subd. 5. [ADJUSTMENTS.] When resolution of appeals or on-site field audits of the records of nursing homes within a group result in adjustments to the 60th percentile of the payment rates within the group in ~~any~~ the reporting year ending on September 30, 1983, the 60th percentile established for the following rate year for that group shall be increased or decreased by the adjustment amount.

Sec. 12. Minnesota Statutes 1983 Supplement, section 256B.50, is amended to read:

#### 256B.50 [APPEALS.]

A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41 and 256B.47 if the appeal, if successful, would result in a change to the nursing home's payment rate. *The appeal procedures also apply to appeals of payment rates calculated under 12 MCAR S 2.049 filed with the commissioner on or after May 1, 1984.* To appeal, the nursing home shall notify the commissioner in writing of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The appeal request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved for each disputed item, the computation that the nursing home believes is correct, the authority in statute or rule upon which the nursing home relies for each disputed item, the name and address of the person or firm with whom contacts may be made regarding the appeal, and other information required by the commissioner. The appeal shall be heard by a hearing examiner according to sections 14.48 to 14.56, or upon agreement by both parties according to a modified appeals procedure established by the commissioner and the hearing examiner. In any proceeding under this section, the appealing party must demonstrate by a preponderance of the evidence that the commissioner's determination is incorrect. Regardless of any rate appeal, the rate established shall be the rate paid and shall remain in effect until final resolution of the appeal or subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.421, 256B.431, 256B.47, 256B.48, 256B.50, and 256B.502, a nursing home shall comply with section 14.44.

Sec. 13. Minnesota Statutes 1983 Supplement, section 256B.431, is amended by adding a subdivision to read:

*Subd. 6. The commissioners of health and public welfare shall adopt tem-*

porary rules necessary for the implementation and enforcement of the reimbursement system established in sections 1 to 11. The commissioner of health may adopt temporary rules relating to the licensure requirements of boarding care homes and nursing homes promulgated under sections 144.56 and 144A.08 if appropriate due to the changes in the reimbursement system. Until June 30, 1986, any temporary rules adopted by the commissioner of health or the commissioner of public welfare under this section shall be adopted in accordance with the provisions contained in sections 14.29 to 14.36 in effect on March 1, 1984. Temporary rules adopted under this subdivision have the force and effect of law and remain in effect until June 30, 1986, unless otherwise superseded by rule. The procedures for the adoption of the temporary rules authorized by this subdivision shall prevail over any other act that amends chapter 14 regardless of the date of final enactment of those amendments. The rules shall be developed in consultation with the interagency board for quality assurance and the board shall conduct public hearings and consult with providers and consumers as appropriate. The commissioners of health and public welfare shall consider all comments received and shall not implement the temporary rules until a report on the proposed rules has been presented to the senate health and human services committee and the house of representatives health and welfare committee. The rules are effective five days after publication in the State Register.

Sec. 14. Minnesota Statutes, 1983 Supplement, section 256B.48, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED PRACTICES.] A nursing home is not eligible to receive medical assistance payments unless it refrains from:

(a) Charging private paying residents rates for similar services which exceed those which are approved by the state agency for medical assistance recipients as determined by the prospective desk audit rate, except under the following circumstances: the nursing home may (1) charge private paying residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance residents are charged separately at the same rate for the same services in addition to the daily rate paid by the commissioner. *Services covered by the payment rate must be the same regardless of payment source. Special services, if offered, must be offered to all residents and charged separately at the same rate. Residents are free to select or decline special services. Special services must not include services which must be provided by the nursing home in order to comply with licensure standards and that if not provided would result in a deficiency or violation by the nursing home.* A nursing home that charges a private paying resident a rate in violation of this clause is subject to an action by the state of Minnesota or any of its subdivisions or agencies for civil damages. A private paying resident or the resident's legal representative has a cause of action for civil damages against a nursing home that charges the resident rates in violation of this clause. The damages awarded shall include three times the payments that result from the violation, together with costs and disbursements, including reasonable attorneys' fees or their equivalent. A private paying resident or the resident's legal representative, the state, subdivision or agency, or a nursing home may request a hearing to determine the allowed rate or rates at issue in the cause of action. Within 15 calendar days after receiving a request for such a hearing, the commissioner shall

request assignment of a hearing examiner under sections 14.48 to 14.56 to conduct the hearing as soon as possible or according to agreement by the parties. The hearing examiner shall issue a report within 15 calendar days following the close of the hearing. The prohibition set forth in this clause shall not apply to facilities licensed as boarding care facilities which are not certified as skilled or intermediate care facilities level I or II for reimbursement through medical assistance;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay any fee or deposit in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home;

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home;

~~(d) Requiring any applicant to the nursing home, or the applicant's guardian or conservator, as a condition of admission, to assure that the applicant is neither eligible for nor will seek public assistance for payment of nursing home care costs. Providing differential treatment on the basis of status with regard to public assistance;~~

~~(e) Discriminating in admissions, services offered, or room assignment on the basis of status with regard to public assistance. Admissions discrimination shall include, but is not limited to:~~

~~(1) basing admissions decisions upon assurance by the applicant to the nursing home, or the applicant's guardian or conservator, that the applicant is neither eligible for nor will seek public assistance for payment of nursing home care costs;~~

~~(2) engaging in preferential selection from waiting lists based on an applicant's ability to pay privately.~~

*The collection and use by a nursing home of financial information of any applicant pursuant to the pre-admission screening program established by section 256B.091 shall not raise an inference that the nursing home is utilizing that information for any purpose prohibited by this paragraph;*

~~(e) (f) Requiring any vendor of medical care as defined by section 256B.02, subdivision 7, who is reimbursed by medical assistance under a separate fee schedule, to pay any portion of his fee to the nursing home except as payment for renting or leasing space or equipment of the nursing home or purchasing support services, if those agreements are disclosed to the commissioner; and~~

~~(f) (g) Refusing, for more than 24 hours, to accept a resident returning to his same bed or a bed certified for the same level of care, in accordance with a physician's order authorizing transfer, after receiving inpatient hospital services.~~

The prohibitions set forth in clause (b) shall not apply to a retirement home with more than 325 beds including at least 150 licensed nursing home beds and which:

(1) is owned and operated by an organization tax-exempt under section

290.05, subdivision 1, clause (i); and

(2) accounts for all of the applicant's assets which are required to be assigned to the home so that only expenses for the cost of care of the applicant may be charged against the account; and

(3) agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the applicant's account upon request, and to receive an audited statement of the expenditures charged against his individual account upon request; and

(4) agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, the balance of his individual account.

*The commissioner may continue to make medical assistance payments to a nursing home or boarding care home which is in violation of this section if extreme hardship to the residents would result. In these cases the commissioner shall issue an order requiring the nursing home to correct the violation. The nursing home shall have 20 days from its receipt of the order to correct the violation. If the violation is not corrected within the 20 day period the commissioner may reduce the payment rate to the nursing home by up to 20 percent. The amount of the payment rate reduction shall be related to the severity of the violation, and shall remain in effect until the violation is corrected. The nursing home or boarding care home may appeal the commissioner's action pursuant to the provisions of chapter 14 pertaining to contested cases. An appeal shall be considered timely if written notice of appeal is received by the commissioner within 20 days of notice of the commissioner's proposed action.*

*In the event that the commissioner determines that a nursing home is not eligible for reimbursement for a resident who is eligible for medical assistance, the commissioner may authorize the nursing home to receive reimbursement on a temporary basis until the resident can be relocated to a participating nursing home.*

Sec. 15. Minnesota Statutes 1982, section 256D.06, is amended by adding a subdivision to read:

*Subd. 6. General assistance funds may be paid to cover the room and board needs of persons who are eligible for general assistance and who are placed by the county in a licensed facility for the purpose of receiving physical, mental health or rehabilitative care.*

#### Sec. 16. [OPERATING COST ADJUSTMENT ALLOWANCE.]

*For the rate year beginning July 1, 1984, and ending June 30, 1985, the commissioner shall add 24 cents per resident per day to the operating cost payment rate of each nursing home whose allowable historical operating cost per diem is below the 60th percentile of allowable historical operating costs per diems for its respective group and shall add 6 cents per resident per day to the operating cost payment rate of each nursing home whose allowable historical operating cost per diem is at or above the 60th percentile of allowable historical operating costs per diems for its respective group. The groups shall be the groups established under section 256B.431, subdivision 1, based on cost reports of allowable historical operating costs incurred in the previous*

*reporting year. Any change in the ranking of nursing homes as a result of amendments, field audits or appeal settlements shall not affect the calculation in this clause.*

Sec. 17. [APPROPRIATION.]

*The sum of \$698,000 is appropriated from the general fund to the commissioner of health for purposes of sections 1, 2, and 12 and is available until June 30, 1985. The approved complement of the department of health is increased by 22 positions for the purposes of sections 1, 2, and 12. Ten of these positions are temporary to continue only until June 30, 1985.*

Sec. 18. [EFFECTIVE DATE.]

*Sections 1 to 13 are effective the day following final enactment."*

Amend the title as follows:

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

Page 1, line 5, after the first semicolon, insert "256B.25; 256D.06, by adding a subdivision;"

Page 1, line 8, after the first semicolon, insert "256.48, subdivision 1;"

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. 433: A bill for an act relating to labor; requiring an employer to pay certain wage claims to the department of labor and industry; providing for a fine of \$500 for certain violations of the minimum wage law; removing a certain limitation on commencing civil actions for minimum wage law violations; requiring the commissioner of labor and industry to report to the legislature on recommendations to improve enforcement of the minimum wage law; appropriating money; amending Minnesota Statutes 1982, section 177.27, subdivisions 4 and 5; and Minnesota Statutes 1983 Supplement, section 177.32, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 177.28, subdivision 4, is amended to read:

Subd. 4. An employee who receives \$35 or more per month in gratuities is a tipped employee. An employer is entitled to a credit in an amount up to 20 percent of the minimum wage which a tipped employee receives; *except that effective January 1, 1985, the credit is reduced to 15 percent; effective January 1, 1986, the credit is reduced to 10 percent; effective January 1, 1987, the credit is reduced to 5 percent; and effective January 1, 1988, the credit is eliminated.* The credit against the wages due may not be taken unless at the time the credit is taken the employer has received a signed statement for that pay period from the tipped employee stating that he did receive and retain during that pay period all gratuities received by him in an amount equal to or

greater than the credit applied against the wages due by his employer. The statements shall be maintained by the employer as a part of his business records."

Delete the title and insert:

"A bill for an act relating to labor; regulating the minimum wage by phasing out the tip credit; amending Minnesota Statutes 1982, section 177.28, subdivision 4."

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. 1960: A bill for an act relating to energy and economic development; energy and economic development authority; adding definitions; clarifying duties and powers of the energy and economic development authority; correcting statutory references; amending Minnesota Statutes 1982, sections 116J.88, as amended; 116J.89, subdivision 4; 116J.90, by adding a subdivision; 116J.91, subdivisions 15, 17, 18, and by adding a subdivision; 474.01, subdivisions 7 and 7a; Minnesota Statutes 1983 Supplement, sections 116J.89, subdivisions 1, 1a, 1b, 1c, 2, 6, and 8; 116J.90, subdivisions 1, 2, 3, 5, and 6; 116J.91, subdivisions 1, 4, 11, 12, 16, 19, and 20; 116J.923, subdivision 7; 116J.924, subdivision 3; 116J.925, subdivisions 1 and 3; 275.125, subdivision 12a; Laws 1983, chapter 323, section 5, subdivision 2; proposing new law coded as Minnesota Statutes, chapter 116M; repealing Minnesota Statutes 1983 Supplement, sections 116J.922; 116J.923, subdivisions 2 and 12; and 116J.924, subdivision 1.

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

Page 13, line 5, strike "SMALL BUSINESS"

Page 13, line 21, after the period, insert "*The authority shall obtain the best available security for all loans.*"

Page 14, line 19, delete "*this act*" and insert "*the Minnesota Energy and Economic Development Authority Act*"

Page 15, line 25, delete "*two*" and insert "*three*"

Page 15, line 33, delete "*and*"

Page 15, line 36, before the period, insert "; *and*

*(5) the business will maintain a significant level of productivity within Minnesota within the ensuing five-year period"*

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. 1687: A bill for an act relating to local government; requiring every political subdivision to establish equitable compensation relationships among its employees; requiring a report to the legislature; proposing new law



Page 35, line 31, delete "1985" and insert "1984" and delete "1986" and insert "1985"

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. 1865: A bill for an act relating to public welfare; limiting medical assistance and providing appeal rights for former recipients of public assistance; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospective payments for inpatient hospital services; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language; changing standards for the contribution of a non-institutionalized spouse; amending Minnesota Statutes 1982, sections 256.045, subdivisions 2, 4, 5, and 7; 256B.17, subdivisions 1 and 3; 256B.19, subdivision 1; Minnesota Statutes 1983 Supplement, sections 256.045, subdivision 3; 256.968; 256.969, subdivisions 2 and 6; 256B.06, subdivision 1; and 256B.17, subdivisions 4 and 5; repealing Minnesota Statutes 1983 Supplement, section 256B.17, subdivision 8.

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

Page 5, line 29, delete "216, article 1, section 39" and insert "312, article 5, section 9, subdivision 6"

Pages 12 and 13, delete section 15 and insert:

"Sec. 15. [CONTRIBUTION OF NON-INSTITUTIONALIZED SPOUSE.]

*The commissioner of public welfare shall adjust the schedule for determining the contribution required from the non-institutionalized spouse of a resident or patient of a nursing home or hospital to reflect an increase of at least 50 percent in the cost of living of the non-institutionalized spouse and shall provide for subsequent periodic adjustments to reflect future increases, using the RSD I cost of living change."*

Page 13, line 7, delete ", 14, and 15" and insert "and 14 to 16"

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. 1419: A bill for an act relating to agriculture; establishing a grape research program funded by a portion of the wine excise tax; appropriating money; amending Minnesota Statutes 1983 Supplement, section 340.485, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 340.

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

Delete everything after the enacting clause and insert:

**"Section 1. [GRAPE RESEARCH PROGRAM.]**

*The sum of \$125,000 is appropriated from the general fund to the University of Minnesota for fiscal year 1985 for the Agricultural Experiment Station to conduct research concerning growing and processing grapes in Minnesota. These funds are to be used to create, expand, and facilitate grape research programs deemed valuable and appropriate to Minnesota-grown wine grapes, table grapes, grape juice products, and other grape products.*

*The Minnesota Grape Growers Association shall form a grape research and promotion council to advise the University of Minnesota about the research to be conducted. The grape research and promotion council shall be made up of seven members of the Minnesota Grape Growers Association. Four members, designated as grower members, must be active grape growers. Two members, designated as winery members, must be actively engaged in the production of Minnesota-regional commercial wines. One member, designated as the research member, must be actively engaged in either institutional or private grape culture research."*

Delete the title and insert:

**"A bill for an act relating to agriculture; appropriating money to conduct research concerning growing and processing grapes in Minnesota."**

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

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

H.F. No. 756 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| <b>SPECIAL ORDERS</b> |          | <b>CONSENT CALENDAR</b> |          | <b>CALENDAR</b> |          |
|-----------------------|----------|-------------------------|----------|-----------------|----------|
| H.F. No.              | S.F. No. | H.F. No.                | S.F. No. | H.F. No.        | S.F. No. |
| 756                   | 2173     |                         |          |                 |          |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 756 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 756 and insert the language after the enacting clause of S.F. No. 2173, the first engrossment; further, delete the title of H.F. No. 756 and insert the title of S.F. No. 2173, the first engrossment.

And when so amended H.F. No. 756 will be identical to S.F. No. 2173, and further recommends that H.F. No. 756 be given its second reading and substituted for S.F. No. 2173, and that the Senate File be indefinitely postponed.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1441, 1916, 991, 2098, 1985, 433, 1960, 1687, 1918, 1614,

1980, 1407, 1703, 1865 and 1419 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 950 and 756 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Ms. Olson moved that her name be stricken as a co-author to S.F. No. 2017. The motion prevailed.

Mr. Freeman moved that S.F. No. 1490, No. 10 on Special Orders, be stricken and returned to its author. The motion prevailed.

Mr. Luther moved that S.F. No. 292 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

S.F. No. 292: A bill for an act relating to public welfare; defining persons responsible for a child's care under the child abuse reporting law; amending Minnesota Statutes 1982, section 626.556, subdivisions 2, 7, and 10.

Mr. Luther moved that S.F. No. 292 and the recommendations and Conference Committee Report thereon be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

Mr. Pehler, for Mr. Bertram, moved that S.F. No. 2069, No. 46 on Special Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Willet moved that the following members be excused for a Conference Committee on H.F. No. 2317 at 10:30 a.m.:

Messrs. Willet, Kroening, Samuelson, Luther and Frederickson. The motion prevailed.

### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Belanger moved that the following members be excused for a Conference Committee on H.F. No. 1405 at 12:00 noon:

Messrs. Belanger; Moe, D.M. and Merriam. The motion prevailed.

### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Purfeerst moved that the following members be excused for a Conference Committee on H.F. No. 2314:

Messrs. Waldorf, Dicklich, Langseth, Taylor and Purfeerst. The motion prevailed.

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. 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 1, reinstate lines 16 to 19

Page 1, line 20, reinstate the stricken "(b)"

Reletter the clauses in sequence

Page 9, after line 25, insert:

"Sec. 6. [EFFECTIVE DATE.]

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

The motion prevailed. So the amendment was adopted.

S.F. No. 1826 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 5, as follows:

Those who voted in the affirmative were:

|             |               |            |                |         |
|-------------|---------------|------------|----------------|---------|
| Adkins      | Dieterich     | Laidig     | Pehler         | Schmitz |
| Anderson    | Frank         | Langseth   | Peterson, C.C. | Sicloff |
| Belanger    | Frederickson  | Lantry     | Peterson, D.C. | Solon   |
| Bertram     | Freeman       | Lessard    | Peterson, D.L. | Spear   |
| Brataas     | Hughes        | Luther     | Peterson, R.W. | Storm   |
| Chmielewski | Johnson, D.E. | McQuaid    | Petty          | Ulland  |
| Dahl        | Jude          | Mehrkens   | Ramstad        | Vega    |
| Davis       | Knaak         | Merriam    | Reichgott      |         |
| DeCramer    | Kroening      | Moe, D. M. | Renneke        |         |
| Diessner    | Kronebusch    | Olson      | Samuelson      |         |

Those who voted in the negative were:

|        |      |           |          |         |
|--------|------|-----------|----------|---------|
| Benson | Berg | Frederick | Isackson | Kamrath |
|--------|------|-----------|----------|---------|

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

### SPECIAL ORDER

H.F. No. 1421: A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1982, section 181.06, 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 46 and nays 3, as follows:

Those who voted in the affirmative were:

|             |               |            |                |         |
|-------------|---------------|------------|----------------|---------|
| Adkins      | Frank         | Kronebusch | Pehler         | Sieloff |
| Belanger    | Frederick     | Laidig     | Peterson, C.C. | Solon   |
| Benson      | Frederickson  | Lantry     | Peterson, D.C. | Spear   |
| Bertram     | Freeman       | Lessard    | Peterson, D.L. | Storm   |
| Brataas     | Hughes        | Luther     | Peterson, R.W. | Ulland  |
| Chmielewski | Johnson, D.E. | McQuaid    | Petty          | Vega    |
| Dahl        | Jude          | Mehrkens   | Ramstad        |         |
| DeCramer    | Knaak         | Merriam    | Renneke        |         |
| Diessner    | Knutson       | Moe, D. M. | Samuelson      |         |
| Dieterich   | Kroening      | Olson      | Schmitz        |         |

Messrs. Anderson, Isackson and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1911: A bill for an act relating to state lands; authorizing the sale of a certain lakeshore property in Kandiyohi County.

Mr. Benson moved to amend H.F. No. 1911, as amended pursuant to Rule 49, adopted by the Senate April 10, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 2128.)

Page 1, after line 19, insert:

“Sec. 2. [SALE OF CERTAIN FOREST LAND.]

*Notwithstanding Minnesota Statutes, section 94.09 to 94.16 or any other law to the contrary, the commissioner of natural resources may sell by private sale for a consideration not less than the commissioner's appraised value excluding improvements, to James Cady of Peterson, Minnesota, a certain 5.3 acres of state forest land in the east half of the northeast quarter of the southwest quarter, the northwest quarter of the northeast quarter of the southwest quarter, and the southeast quarter of the northwest quarter of section 32, township 104 north, range 8 west, Fillmore County, Minnesota, described in the department of natural resources survey, sheet 116, file FO-735.”*

Renumber the sections in sequence

Page 1, line 21, after the period, insert “Section 2 expires one year after enactment.”

Amend the title as follows:

Page 1, line 3, before the period, insert “, and certain forest land in Fillmore County”

The motion prevailed. So the amendment was adopted.

H.F. No. 1911 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

|             |                |            |                 |           |
|-------------|----------------|------------|-----------------|-----------|
| Adkins      | Diessner       | Jude       | Mehrkens        | Ramstad   |
| Anderson    | Dieterich      | Kamrath    | Merriam         | Renneke   |
| Belanger    | Frank          | Knaak      | Moe, D. M.      | Samuelson |
| Benson      | Frederick      | Kroening   | Olson           | Schmitz   |
| Berg        | Frederickson   | Kronebusch | Pehler          | Sieloff   |
| Bertram     | Freeman        | Lantry     | Peterson, D. C. | Spear     |
| Chmielewski | Hughes         | Lessard    | Peterson, D. L. | Storm     |
| Dahl        | Isackson       | Luther     | Peterson, R. W. | Ulland    |
| Davis       | Johnson, D. E. | McQuaid    | Petty           | Vega      |

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

### SPECIAL ORDER

S.F. No. 1469: A bill for an act relating to workers' compensation; providing coverage for certain employees of the University of Minnesota; amending Minnesota Statutes 1983 Supplement, section 176.011, subdivision 9.

Mr. Peterson, R.W. moved to amend S.F. No. 1469 as follows:

Page 4, line 30, delete "and"

Page 5, line 4, before the period, insert " ; and

*(18) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees"*

Amend the title as follows:

Page 1, line 3, after "Minnesota" insert "and for ambulance drivers and attendants"

The motion prevailed. So the amendment was adopted.

S.F. No. 1469 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

|             |              |            |                 |         |
|-------------|--------------|------------|-----------------|---------|
| Anderson    | Frank        | Kroening   | Pehler          | Sieloff |
| Belanger    | Frederick    | Kronebusch | Peterson, D. C. | Solon   |
| Berg        | Frederickson | Laidig     | Peterson, D. L. | Spear   |
| Bertram     | Freeman      | Lantry     | Peterson, R. W. | Storm   |
| Brataas     | Hughes       | Lessard    | Petty           | Stumpf  |
| Chmielewski | Isackson     | Luther     | Pogemiller      | Ulland  |
| Dahl        | Jude         | McQuaid    | Ramstad         |         |
| Davis       | Kamrath      | Mehrkens   | Reichgott       |         |
| DeCramer    | Knaak        | Merriam    | Renneke         |         |
| Dieterich   | Knutson      | Olson      | Schmitz         |         |

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

### SPECIAL ORDER

H.F. No. 1663: A bill for an act relating to agriculture; making certain

changes in apiary law; amending Minnesota Statutes 1983 Supplement, sections 19.55; 19.56; 19.57; 19.58, subdivisions 1 and 2; 19.64, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1983 Supplement, section 19.58, subdivision 6.

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 46 and nays 0, as follows:

Those who voted in the affirmative were:

|             |              |            |                 |         |
|-------------|--------------|------------|-----------------|---------|
| Adkins      | Diessner     | Knutson    | Pehler          | Sieloff |
| Anderson    | Dieterich    | Kronebusch | Peterson, D. C. | Solon   |
| Belanger    | Frank        | Laidig     | Peterson, D. L. | Spear   |
| Benson      | Frederick    | Lantry     | Peterson, R. W. | Storm   |
| Berg        | Frederickson | Lessard    | Petty           | Stumpf  |
| Bertram     | Freeman      | Luther     | Pogemiller      | Ulland  |
| Chmielewski | Isackson     | McQuaid    | Ramstad         |         |
| Dahl        | Jude         | Mehrkens   | Reichgott       |         |
| Davis       | Kamrath      | Merriam    | Renneke         |         |
| DeCramer    | Knaak        | Olson      | Schmitz         |         |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1572: A bill for an act relating to probate; providing for ante-mortem probate of wills; proposing new law coded in Minnesota Statutes, chapter 525.

Mr. Sieloff moved to amend S. F. No. 1572 as follows:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1982, section 518.145, is amended to read:

518.145 [DECREE.]

A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. When entered, the findings of fact and conclusions of law may constitute the judgment and decree. *When a stipulation has been filed with the court, the decree of dissolution may incorporate the stipulation by reference and the court may adopt the terms of the stipulation as its findings of fact, conclusions of law, and decree.* An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision. A party may remarry before the time for appeal has run if it is not contested that the marriage is irretrievably broken or if a stipulation that the marriage is irretrievably broken is incorporated in the decree of dissolution.

### INTESTATE SUCCESSION

Sec. 2. [524.2-101] [INTESTATE ESTATE.]

*Except as provided in sections 525.14 and 525.145, and subject to the allowances provided in section 525.15, and the payment of the expenses of*

*administration, funeral expenses, expenses of last illness, taxes, and debts, any part of the estate of a decedent not effectively disposed of by the decedent's will passes to the decedent's heirs as prescribed in sections 4 to 15.*

**Sec. 3. [524.2-102] [SHARE OF THE SPOUSE.]**

*The intestate share of the surviving spouse is:*

- (1) if there is no surviving issue of the decedent, the entire intestate estate;*
- (2) if there are surviving issue all of whom are issue of the surviving spouse also, the first \$70,000, plus one-half of the balance of the intestate estate;*
- (3) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.*

**Sec. 4. [524.2-103] [SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE.]**

*The part of the intestate estate not passing to the surviving spouse under section 4, or the entire intestate estate if there is no surviving spouse, passes as follows:*

- (1) to the issue of the decedent; if they are all of the same degree of kinship to the decedent they take equally, but if of unequal degree, then those of more remote degree take by representation;*
- (2) if there is no surviving issue, to his parent or parents equally;*
- (3) if there is no surviving issue or parent, to the issue of the parents or either of them by representation;*
- (4) if there is no surviving issue, parent, or issue of a parent, to the next of kin in equal degree, except that when there are two or more collateral kindred in equal degree claiming through different ancestors, those who claim through the nearest ancestor shall take to the exclusion of those claiming through an ancestor more remote.*

**Sec. 5. [524.2-104] [REQUIREMENT THAT HEIR SURVIVE DECEDENT FOR 120 HOURS.]**

*A person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of homestead allowance, exempt property and intestate succession, and the decedent's heirs are determined accordingly. If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be established that the person who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person failed to survive for the required period. This section is not to be applied where its application would result in a taking of intestate estate by the state under section 7.*

**Sec. 6. [524.2-105] [NO TAKER.]**

*If there is no taker under the provisions of sections 4 to 15, the intestate estate passes to the state.*

**Sec. 7. [524.2-106] [REPRESENTATION.]**

*If representation is called for by sections 4 to 15, the estate is divided into*



*as many shares as there are surviving heirs in the nearest degree of kinship and deceased persons in the same degree who left issue who survive the decedent, each surviving heir in the nearest degree receiving one share and the share of each deceased person in the same degree being divided among his or her issue in the same manner.*

**Sec. 8. [524.2-107] [KINDRED OF HALF BLOOD.]**

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

**Sec. 9. [524.2-108] [AFTERBORN HEIRS.]**

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

**Sec. 10. [524.2-109] [MEANING OF CHILD AND RELATED TERMS.]**

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

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

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

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

*(ii) the paternity is established by an adjudication or by acknowledgment, consent, or agreement pursuant to sections 257.51 to 257.74 before the death of the father or is established thereafter by clear and convincing proof, except that the paternity established under this clause is ineffective to qualify the father or his kindred to inherit from or through the child unless the father has openly treated the child as his, and has not refused to support the child.*

**Sec. 11. [524.2-111] [DEBTS TO DECEDENT.]**

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

**Sec. 12. [524.2-112] [ALIENAGE.]**

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

**Sec. 13. [524.2-113] [PERSONS RELATED TO DECEDENT THROUGH TWO LINES.]**

*A person who is related to the decedent through two lines of relationship is*

*entitled to only a single share based on the relationship which would entitle such person to the larger share.*

**Sec. 14. [524.2-114] [INSTRUMENTS REFERENCING INTESTACY LAWS.]**

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

**ELECTIVE SHARE OF SURVIVING SPOUSE**

**Sec. 15. [524.2-201] [RIGHT TO ELECTIVE SHARE.]**

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

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

**Sec. 16. [524.2-202] [AUGMENTED ESTATE.]**

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

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

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

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

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

*(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.*

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

*(2) The value of property owned by the surviving spouse at the decedent's death, plus the value of property transferred by the spouse at any time during marriage to any person other than the decedent which would have been in-*

cludible in the spouse's augmented estate if the surviving spouse had predeceased the decedent, to the extent the owned or transferred property is derived from the decedent by any means other than testate or intestate succession or as an obligation of support without a full consideration in money or money's worth. For purposes of this clause:

(i) Property derived from the decedent includes, but is not limited to, any beneficial interest of the surviving spouse in a trust created by the decedent during the decedent's lifetime, any property appointed to the spouse by the decedent's exercise of a general or special power of appointment also exercisable in favor of others than the spouse, any lump sum immediately payable and the commuted value of the proceeds of annuity contracts under which the decedent was the primary annuitant attributable to premiums paid by him, the commuted value of amounts payable after the decedent's death under any public or private pension, disability compensation, benefit, or retirement plan, exclusive of the Federal Social Security system, by reason of service performed or disabilities incurred by the decedent, any property held at the time of decedent's death by decedent and the surviving spouse with right of survivorship, any property held by decedent and transferred by contract to the surviving spouse by reason of the decedent's death, and the value of the share of the surviving spouse resulting from rights in community property in this or any other state formerly owned with the decedent. 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.

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

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

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

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

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

Unless the payer of any such property has received written notice of intention to file a petition for the elective share, the property may be paid, upon

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

*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.*

**Sec. 17. [524.2-203] [RIGHT OF ELECTION PERSONAL TO SURVIVING SPOUSE.]**

*The right of election of the surviving spouse may be exercised only during his lifetime by him. In the case of a protected person, the right of election may be exercised only by order of the court in which protective proceedings as to his property are pending, after finding (1) that exercise is necessary to provide adequate support for the protected person during his probable life expectancy and (2) that the election will be consistent with the best interests of the natural bounty of the protected person's affection.*

**Sec. 18. [524.2-204] [WAIVER OF RIGHT TO ELECT AND OF OTHER RIGHTS.]**

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

**Sec. 19. [524.2-205] [PROCEEDING FOR ELECTIVE SHARE; TIME LIMIT.]**

*(a) The surviving spouse may elect to take an elective share in the augmented net estate by filing in the court and mailing or delivering to the personal representative, if any, a petition for the elective share within nine months after the date of death, or within six months after the probate of the decedent's will, whichever limitation last expires. However, non-probate transfers, described in section 17, clause (1), shall not be included within the augmented estate for the purpose of computing the elective share, if the petition is filed later than nine months after death. The court may extend the time for election as it sees fit for cause shown by the surviving spouse before the time for election has expired.*

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

*(c) The surviving spouse may withdraw his demand for an elective share at*

any time before entry of a final determination by the court.

(d) After notice and hearing, the court shall determine the amount of the elective share and shall order its payment from the assets of the augmented net estate or by contribution as appears appropriate under section 22. If it appears that a fund or property included in the augmented net estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the court nevertheless shall fix the liability of any person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in any greater amount than he would have been if relief had been secured against all persons subject to contribution.

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

**Sec. 20. [524.2-206] [EFFECT OF ELECTION ON BENEFITS BY WILL OR STATUTE.]**

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

**Sec. 21. [524.2-207] [CHARGING SPOUSE WITH GIFTS RECEIVED; LIABILITY OF OTHERS FOR BALANCE OF ELECTIVE SHARE.]**

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

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

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

**SPOUSE AND CHILDREN UNPROVIDED FOR IN WILLS**

**Sec. 22. [524.2-301] [OMITTED SPOUSE.]**

(a) If a testator fails to provide by will for his surviving spouse who married the testator after the execution of the will, the omitted spouse shall receive the same share of the estate he would have received if the decedent left no will unless it appears from the will that the omission was intentional or the

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

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

#### Sec. 23. [524.2-302] [PRETERMITTED CHILDREN.]

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

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

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

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

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

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

#### ANTI-MORTEM PROBATE"

Page 2, after line 27, insert:

"Sec. 25. [REPEALER.]

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

#### Sec. 26. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective for decrees of dissolution made on or after August 1, 1984. Sections 3 to 24 and 26 are effective for estates of decedents dying after December 31, 1985."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "probate" and insert "court proceedings"

Page 1, line 2, after the semicolon, insert "adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children;"

Page 1, line 4, delete "chapter" and insert "chapters 524; and" and before the period, insert: ";; repealing Minnesota Statutes 1982, sections 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”

The motion prevailed. So the amendment was adopted.

S.F. No. 1572 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      | Dicklich     | Knaak      | Olson          | Sieloff |
| Anderson    | Diessner     | Knutson    | Pehler         | Spear   |
| Belanger    | Dieterich    | Kronebusch | Peterson, D.C. | Storm   |
| Benson      | Frank        | Langseth   | Peterson, D.L. | Stumpf  |
| Berg        | Frederick    | Lantry     | Peterson, R.W. | Ulland  |
| Bertram     | Frederickson | Lessard    | Petty          | Vega    |
| Brataas     | Freeman      | Luther     | Pogemiller     | Willet  |
| Chmielewski | Hughes       | McQuaid    | Ramstad        |         |
| Dahl        | Isackson     | Mehrkens   | Reichgott      |         |
| Davis       | Jude         | Merriam    | Renneke        |         |
| DeCramer    | Kamrath      | Nelson     | Schmitz        |         |

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

### SPECIAL ORDER

S.F. No. 1561: A bill for an act relating to crimes; providing for forfeitures of conveyances, containers, weapons used, and contraband property when utilized in the commission of designated offenses; proposing new law coded in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1560: A bill for an act relating to crimes; subjecting certain property to forfeiture if exchanged for or associated with controlled substances; conforming definitions with other statutes; amending Minnesota Statutes

1982, section 152.19, subdivisions 1, 2, 4, 5, and 8.

Mr. Waldorf moved to amend S. F. No. 1560 as follows:

Page 4, line 13, delete "*that handled the forfeiture*"

Page 4, line 14, after "*agency*" insert "*that handled the forfeiture*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1560 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 49 and nays 2, as follows:

Those who voted in the affirmative were:

|             |               |            |                |         |
|-------------|---------------|------------|----------------|---------|
| Adkins      | Dicklich      | Knaak      | Moe, D. M.     | Sieloff |
| Anderson    | Diessner      | Kronebusch | Pehler         | Spear   |
| Belanger    | Dieterich     | Laidig     | Peterson, D.L. | Storm   |
| Benson      | Frank         | Langseth   | Petty          | Stumpf  |
| Berg        | Frederick     | Lantry     | Pogemiller     | Taylor  |
| Bertram     | Frederickson  | Lessard    | Purfeerst      | Ulland  |
| Chmielewski | Isackson      | Luther     | Ramstad        | Vega    |
| Dahl        | Johnson, D.E. | McQuaid    | Reichgott      | Waldorf |
| Davis       | Jude          | Mehrrens   | Renneke        | Willet  |
| DeCramer    | Kamrath       | Merriam    | Samuelson      |         |

Messrs. Freeman and Schmitz voted in the negative.

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

### SPECIAL ORDER

H.F. No. 1915: A bill for an act relating to commerce; providing for the licensing of transient merchants by local units of governments; amending Minnesota Statutes 1982, sections 329.15; and 329.16.

Mr. Purfeerst moved that the amendment made to H.F. No. 1915 by the Committee on Rules and Administration in the report adopted April 9, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Purfeerst then moved to amend H.F. No. 1915 as follows:

Page 1, lines 19 to 21, delete the new language and insert "*A city, or with respect to the area outside the corporate limits of a city, a county, may enact a transient merchant licensing requirement excluding certain classes of transient merchant events, or determine by resolution of its governing body that certain classes of transient merchant events need not comply with section 329.11.*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1915 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:



Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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

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 48 and nays 15, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Dicklich      | Knaak      | Pehler         | Sieloff   |
| Anderson    | Diessner      | Knutson    | Peterson, C.C. | Solon     |
| Belanger    | Frederick     | Kronebusch | Peterson, D.L. | Storm     |
| Benson      | Frederickson  | Laidig     | Peterson, R.W. | Stumpf    |
| Berg        | Freeman       | Langseth   | Purfeerst      | Taylor    |
| Bertram     | Isackson      | Lessard    | Ramstad        | Ulland    |
| Chmielewski | Johnson, D.E. | McQuaid    | Reichgott      | Wegscheid |
| Dahl        | Johnson, D.J. | Mehrkens   | Renneke        | Willet    |
| Davis       | Jude          | Moe, R. D. | Samuelson      |           |
| DeCramer    | Kamrath       | Olson      | Schmitz        |           |

Those who voted in the negative were:

|           |          |            |                |         |
|-----------|----------|------------|----------------|---------|
| Berglin   | Kroening | Merriam    | Peterson, D.C. | Spear   |
| Dieterich | Lantry   | Moe, D. M. | Petty          | Vega    |
| Frank     | Luther   | Nelson     | Pogemiller     | Waldorf |

So the bill passed and its title was agreed to.

### 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.

### 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 Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1511: A bill for an act relating to taxation; property; modifying the exemption for property held by political subdivisions; amending Minnesota Statutes 1982, section 272.02, subdivision 5.

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

Scheid, Kelly and Osthoff.

Senate File No. 1511 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 1984

Mr. President:

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

S.F. No. 1750: A bill for an act relating to commerce; providing for the classification of crime reports of the department of commerce; including certain financial institutions within the definition of broker-dealer of securities; broadening the securities transaction exemption for corporate transactions; providing for the receipt of applications for renewal of real estate broker and salesperson licenses; establishing certain fees relating to the regulation of real estate brokers and salespersons; providing for real estate salesperson licensing requirements after examination; clarifying a certain definition relating to recovery from the real estate education, research, and recovery fund; limiting recovery to cases involving judgments against licensed individuals; providing for the depositing of funds under the unclaimed property statutes; regulating sales of unclaimed property; appropriating money; amending Minnesota Statutes 1982, sections 13.81, subdivision 1; 13.82, subdivision 1; 80A.14, subdivision 4; 80A.15, subdivision 2; 80A.30, subdivision 2; 82.17, subdivision 3; 82.20, subdivisions 8 and 9; 82.21, subdivision 1; 82.22, subdivisions 2 and 5; 345.32; 345.47, subdivision 1; 345.48; 345.49; Minnesota Statutes 1983 Supplement, sections 82.22, subdivisions 6 and 13; and 82.34, subdivision 7; proposing new law coded in Minnesota Statutes, chapter 345.

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

Segal, Metzen and Sarna.

Senate File No. 1750 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 1984

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1939:

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

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Beard, Bishop and Johnson have been appointed as such committee on the part of the House.

House File No. 1939 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 17, 1984

Mr. Chmielewski moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1939, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

S.F. No. 1605: A bill for an act relating to taxation; imposing a tax on the transfer of motor vehicles; dedicating the proceeds of the tax for the screening or removal of salvage yards adjacent to trunk highways; appropriating money; amending Minnesota Statutes 1982, section 161.242, subdivisions 3 and 4; proposing new law coded in Minnesota Statutes, chapter 161.

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

Page 2, lines 20 and 21, delete "*and credited to the salvage yard account*"

Page 3, delete lines 32 to 34

Page 3, line 35, delete "(4)" and insert "(3)"

Page 4, delete lines 3 to 13 and insert "*The tax collected shall be deposited in the state treasury and credited to the general fund.*"

Subd. 2. [TAX REPEALED.] *This section is repealed July 1, 1988.*

Sec. 4. [APPROPRIATION.]

*The sum of \$650,000 is appropriated from the general fund to the commissioner of transportation (1) to pay the costs incurred under section 161.242, subdivisions 3 and 4, and (2) to make reimbursements to counties, on application by them, for the reasonable costs incurred by them in the enforcement of county ordinances regulating junkyards."*

Page 4, delete line 16 and insert "*on and after September 1, 1984.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "dedicating the proceeds of the tax" and insert "providing"

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. 1514: A bill for an act relating to solid and hazardous waste management; defining resource recovery facility; amending various provisions of the waste management act; prescribing various powers and duties of the waste management board and the pollution control agency relating to solid and hazardous waste management planning and the development of hazardous waste facilities; establishing programs for public education, technical, financial, and research assistance to generators; development of hazardous waste reduction, processing, and collection facilities; requiring a report on the need and feasibility of hazardous waste facilities; authorizing volunteer candidate sites; requiring requests for proposals for hazardous waste processing facilities; prescribing procedures for the designation of resource recovery facilities by counties and waste management districts; amending various provisions relating to county and metropolitan solid waste management; imposing a solid waste landfill fee in the metropolitan area; providing an income tax credit and sales tax exemption to encourage processing of waste at resource recovery facilities; appropriating money; amending Minnesota Statutes 1982, sections 115A.03, subdivisions 1 and 28; 115A.06, by adding a subdivision; 115A.08, by adding a subdivision; 115A.18; 115A.21, by adding a subdivision; 115A.42; 115A.46, subdivisions 1 and 2; 115A.57, subdivision 1; 115A.59; 115A.70, by adding a subdivision; 116J.88, by adding a subdivision; 116J.90, by adding a subdivision; 290.06, by adding subdivisions; 400.04, subdivision 3, and by adding a subdivision; 400.162; 473.181, subdivision 4; 473.811, subdivision 10; 473.833, subdivision 4; Minnesota Statutes 1983 Supplement, sections 115A.08, subdivision 5; 115A.11; 115A.21, subdivision 1; 115A.22, subdivisions 1 and 4; 115A.24; 115A.241; 115A.25, subdivisions 1, 1a, and 1b; 115A.26; 115A.27, subdivision 2; 115A.28, subdivision 1; 115A.291; 115B.22, subdivision 1; 297A.25, subdivision 1; 473.823, subdivision 6; and 473.831; proposing new law coded in Minnesota Statutes, chapters

115A; 116E; and 473; repealing Minnesota Statutes 1982, sections 115A.071; 115A.46, subdivision 3; 115A.70, subdivisions 1, 2, 4, 5, and 6; 473.827; and Minnesota Statutes 1983 Supplement, section 115A.70, subdivisions 3 and 7.

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

Page 18, line 12, before "*economic*" insert "*energy and*"

Page 41, line 36, after "*purposes*" insert "*except as otherwise provided in section 46, subdivision 6, and in section 78, subdivision 6*"

Page 42, after line 3, insert:

"(2) up to ten percent for water supply monitoring under subdivision 6;"

Page 42, line 4, delete "(2)" and insert "(3)"

Page 42, line 5, delete "and"

Page 42, after line 5, insert:

"(4) for landfill abatement cost recovery payments under subdivision 5; and"

Page 42, line 6, delete "(3)" and insert "(5)" and delete "and (2)" and insert ", (2), (3) and (4)"

Page 43, after line 7, insert:

"Subd. 5. [LANDFILL ABATEMENT COST RECOVERY.] By January 31, 1986, and each January 31 afterwards, the director of the agency shall pay each city in the metropolitan area an amount not to exceed \$1.80 per household, as defined in section 477A.011, subdivision 3a, for qualifying landfill abatement and resource recovery expenses incurred in the previous calendar year. To qualify under this subdivision, the landfill abatement and resource recovery must be included in the applicable county master plan or approved by the metropolitan council and the city must certify expenses for the landfill abatement and resource recovery. The amounts necessary to make these payments are appropriated from the metropolitan landfill abatement fund to the director of the agency.

Subd. 6. [PUBLIC WATER SUPPLY MONITORING.] The commissioner of health shall monitor the quality of water in public water supply wells in the metropolitan area that may be affected by their location in relation to a facility for mixed municipal solid waste. Testing under this subdivision shall be made for substances not funded under the Federal Safe Drinking Water Act."

Page 43, line 8, delete "5" and insert "7"

Page 46, line 19, after the period, insert "The fee in the metropolitan area may not exceed 30 cents per cubic yard."

Page 47, line 1, after "land" insert "or incinerated"

Page 47, line 2, after "waste" insert "and to operators that incinerate mixed municipal solid waste,"

Page 47, delete section 56

Page 69, lines 15, 24, and 26, before "wastes" insert "hazardous"

Page 69, lines 15 and 19, before "waste" insert "hazardous"

Page 70, lines 3 and 4, before "waste" insert "hazardous"

Page 71, line 24, delete "68" and insert "67"

Pages 71 to 73, delete sections 77 and 78 and insert:

"Sec. 76. [APPROPRIATIONS.]

*Subdivision 1. The sum of \$1,085,000 is appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated. The unencumbered balance remaining in the first year does not cancel but is available for the second year.*

|  | 1984 | 1985 |
|--|------|------|
|--|------|------|

#### *Subd. 2. WASTE MANAGEMENT BOARD.*

##### *Approved Complement - 4*

|                                                                                   |          |           |
|-----------------------------------------------------------------------------------|----------|-----------|
| <i>(a) For technical and research assistance to generators of hazardous waste</i> | \$30,000 | \$120,000 |
|-----------------------------------------------------------------------------------|----------|-----------|

|                                                                        |  |         |
|------------------------------------------------------------------------|--|---------|
| <i>(b) For waste reduction grants to generators of hazardous waste</i> |  | 150,000 |
|------------------------------------------------------------------------|--|---------|

*(c) For development of collection and transportation services for hazardous wastes as follows:*

|                                                  |        |         |
|--------------------------------------------------|--------|---------|
| <i>(1) Grants related to collection services</i> | 10,000 | 190,000 |
|--------------------------------------------------|--------|---------|

|                                                     |        |         |
|-----------------------------------------------------|--------|---------|
| <i>(2) Grants related to processing development</i> | 50,000 | 150,000 |
|-----------------------------------------------------|--------|---------|

|                                                                                                                |        |        |
|----------------------------------------------------------------------------------------------------------------|--------|--------|
| <i>(d) For feasibility study of insurance for liability of mixed municipal solid waste disposal facilities</i> | 10,000 | 20,000 |
|----------------------------------------------------------------------------------------------------------------|--------|--------|

|                                         |        |        |
|-----------------------------------------|--------|--------|
| <i>(e) For administration and rules</i> | 20,000 | 80,000 |
|-----------------------------------------|--------|--------|

#### *Subd. 3. POLLUTION CONTROL AGENCY.*

##### *Approved Complement - 2*

|                                                  |        |        |
|--------------------------------------------------|--------|--------|
| <i>(a) For adoption and enforcement of rules</i> | 30,000 | 60,000 |
|--------------------------------------------------|--------|--------|

|                                                                                                                             |        |        |
|-----------------------------------------------------------------------------------------------------------------------------|--------|--------|
| <i>(b) For payment to the metropolitan council, to be spent for the organized collection of mixed municipal solid waste</i> | 20,000 | 30,000 |
|-----------------------------------------------------------------------------------------------------------------------------|--------|--------|

#### *Subd. 4. COMMISSIONER OF REVENUE.*

##### *Approved Complement - 1*

|                                                                             |       |        |
|-----------------------------------------------------------------------------|-------|--------|
| <i>For administering the metropolitan landfill fee collection and rules</i> | 5,000 | 35,000 |
|-----------------------------------------------------------------------------|-------|--------|

#### *Subd. 5. COMMISSIONER OF HEALTH.*

|                                           |  |        |
|-------------------------------------------|--|--------|
| <i>For public water supply monitoring</i> |  | 75,000 |
|-------------------------------------------|--|--------|

*Subd. 6. [REIMBURSEMENT.] Any amounts expended by the waste*

*management board for the insurance feasibility study from the appropriation in subdivision 2, by the agency from the appropriations in subdivision 3, by the commissioner of health for water supply monitoring from the appropriation in subdivision 5, and by the commissioner of revenue from the appropriation in subdivision 4, shall be reimbursed to the general fund, and the amount necessary to make the reimbursement is appropriated from the metropolitan landfill abatement fund to the commissioner of finance for transfer to the general fund."*

Page 74, line 7, delete "58" and insert "57" and delete "63 to 79" and insert "62 to 77"

Page 74, line 17, delete "59" and insert "58"

Page 74, line 18, delete "62" and insert "61"

Page 74, line 19, delete "60" and insert "59" and delete "61" and insert "60"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "public education,"

Page 1, line 42, delete "116E;"

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. 497: A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; providing for a tenant remedy of noncompliance with energy efficiency standards; amending Minnesota Statutes 1982, section 116J.27, by adding subdivisions; proposing new law coded in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 116J.27, subdivision 4, is amended to read:

Subd. 4. [INSPECTIONS.] The commissioner shall conduct inspections on a random basis for compliance with the provisions of subdivision 3. The commissioner of energy, planning and development may authorize a municipality, with its consent, to conduct the inspections within the municipality's jurisdiction, or to otherwise enforce the provisions of subdivision 3. Any municipality which conducts an inspections or other enforcement program in conjunction with existing city inspection programs shall have authority under all subdivisions of section 116J.30 to enforce the provisions of subdivision 3; provided that 50 100 percent of the penalties to be paid to the state treasury for

violation of subdivision 3 shall be paid to the municipality.

Sec. 2. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

*Subd. 4a. [ENFORCEMENT AFTER INSPECTION.] If the commissioner determines, after an inspection conducted by or on behalf of the department, that a renter-occupied residence is not in compliance with the standards prescribed pursuant to subdivision 1, the commissioner may issue to the owner of the renter-occupied residence or the owner's agent a determination of noncompliance and may commence a contested case proceeding under sections 14.57 to 14.62. The determination shall (1) specify the reasons for the determination, (2) include a copy of the inspection report, (3) state the actions that must be taken to bring the residence into compliance with the standards, (4) state that if the residence is not brought into compliance with the standards within 90 days following the date of the determination, a contested case proceeding will be commenced, and (5) specify a fine that will be assessed upon the conclusion of the contested case proceeding in the absence of a showing of good cause in that proceeding. The contested case proceeding hearing shall be held in the county in which the renter-occupied residence is located. Notwithstanding the provisions of sections 14.50 and 14.61, the hearing examiner in the contested case proceeding shall make findings of fact and conclusions of law and issue a decision, and if the hearing examiner decides that the residence is not in compliance with the standards, the hearing examiner shall enter an order directing the owner to take such affirmative action as in the judgment of the hearing examiner will effectuate the purposes of section 116J.27.*

Sec. 3. Minnesota Statutes 1982, section 116J.27, is amended by adding a subdivision to read:

*Subd. 4b. [FINES FOR NONCOMPLIANCE; EXCEPTION.] If the hearing examiner issues a decision, following a contested case proceeding commenced pursuant to subdivision 4a, that a renter-occupied residence is not in compliance with the standards prescribed pursuant to subdivision 1 and that the owner of the renter-occupied residence has not proven a good cause, as defined by rule or temporary rule adopted by the commissioner, for his failure to comply with the standards prescribed pursuant to subdivision 1, the hearing examiner shall assess a fine against the owner in accordance with a schedule of fines adopted by the commissioner by rule or temporary rule. This subdivision shall not apply in the case of low-rent housing owned by a public housing authority or a housing and redevelopment authority as defined in section 462.421, subdivision 2.*

Sec. 4. Minnesota Statutes 1983 Supplement, section 116J.27, subdivision 6, is amended to read:

*Subd. 6. [BUILDING EVALUATORS.] The commissioner shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy efficiency standards. The commissioner shall, by rule pursuant to chapter 14, adopt standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner shall encourage the certification of existing groups of trained municipal personnel and qualified individuals from*



community-based organizations and public service organizations. Each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy efficiency standards established pursuant to subdivision 1. The inspections shall be made within 30 days of the request. ~~Evaluators shall be certified only if they also meet all requirements for conducting residential energy audits pursuant to 42 U.S.C. 8211 et seq.~~ The commissioner shall enter into an agreement with the department of education for the provision of evaluator training through the area vocational technical institutes. The commissioner may contract with the area vocational technical institutes to reduce the training costs to the students. The commissioner may eliminate the examination fee for persons seeking upgraded certificates. The commissioner may also establish requirements for continuing education, periodic recertification, and revocation of certification for evaluators.

Sec. 5. Minnesota Statutes 1982, section 116J.30, is amended by adding a subdivision to read:

*Subd. 5. For purposes of sections 504.18 and 566.18 to 566.33, the weatherstripping, caulking, storm window, and storm door energy efficiency standards for renter-occupied residences prescribed by section 116J.27, subdivisions 1 and 3, are health and safety standards, and the penalties and remedies provided in this section are in addition to and do not limit remedies otherwise available to tenants of renter-occupied residences.*

Sec. 6. Minnesota Statutes 1983 Supplement, section 290A.19, is amended to read:

**290A.19 [OWNER OR MANAGING AGENT TO FURNISH RENT CERTIFICATE; PENALTY.]**

(a) The owner or managing agent of any property for which rent is paid for occupancy as a homestead shall furnish a certificate of rent constituting property tax to each person who is a renter on December 31, in the form prescribed by the commissioner. If the renter moves prior to December 31, the owner or managing agent shall at his option either provide the certificate to the renter at the time he moves, or mail the certificate to the forwarding address if an address has been provided by the renter. The certificate shall be made available to the renter not later than January 31 of the year following the year in which the rent was paid. Any owner or managing agent who willfully fails to furnish a certificate as provided herein shall be liable to the commissioner for a penalty of \$20 for each act or failure to act. The penalty shall be assessed and collected in the manner provided in chapter 290 for the assessment and collection of income tax.

(b) If the owner or managing agent elects to provide the renter with the certificate at the time he moves, rather than after December 31, the amount of rent constituting property taxes shall be computed as follows:

(i) The net tax shall be reduced by  $1/12$ th for each month remaining in the calendar year.

(ii) In calculating the denominator of the fraction pursuant to section 290A.03, subdivision 11, the gross rent paid through the last month of claimant's occupancy shall be substituted for "the gross rent paid for the calendar year for the property in which the unit is located."

(c) The certificate of rent constituting property taxes shall include the address of the property, including the county, and the property tax parcel identification number and any additional information which the commissioner determines is appropriate.

(d) If the owner or managing agent fails to provide the renter with a certificate of rent constituting property taxes, the commissioner shall allocate the net tax on the building to the unit on a square footage basis or other appropriate basis as the commissioner determines. The renter shall supply the commissioner with a statement from the county treasurer which gives the amount of property tax on the parcel, the address and property tax parcel identification number of the property, and the number of units in the building.

*(e) Effective January 1, 1986, the commissioner shall provide to the commissioner of the department of energy and economic development a copy of all certificates of rent constituting property taxes that have been filed with the department. The copies of the certificates shall be provided by June 1 of each year.*

#### Sec. 7. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to energy; providing remedies for noncompliance with the minimum energy efficiency standards for renter-occupied residences; making other changes; amending Minnesota Statutes 1982, sections 116J.27, subdivision 4, and by adding subdivisions; and 116J.30, by adding a subdivision; Minnesota Statutes 1983 Supplement, sections 116J.27, subdivision 6; and 290A.19."

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 re-referred

S.F. No. 2178: A resolution memorializing the United States Environmental Protection Agency to adopt rules for a ban on leaded gasoline, and memorializing the Congress of the United States to enact legislation either prohibiting leaded gasoline or allowing the states to prohibit it.

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

Page 2, line 2, after "for" insert "trucks and"

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

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

S.F. No. 1739: A resolution memorializing Congress and the President to continue their efforts to halt the persecution of the Baha'i minority in Iran.

Reports the same back with the recommendation that the resolution do

pass. Report adopted.

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

S.F. No. 1532: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 10; allowing public lands of the state to be exchanged for any other public land; amending Minnesota Statutes 1982, sections 94.343, subdivision 1; and 94.349, subdivision 3.

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

Page 2, line 2, delete "*and the federal government*"

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 re-referred

S.F. No. 1243: A resolution memorializing the President and Congress to establish a National Academy of Peace and Conflict Resolution.

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

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

S.F. No. 1240: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 8; removing the constitutional restrictions on permanent school fund investments; establishing statutory restrictions; amending Minnesota Statutes 1982, section 11A.16, subdivision 4.

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

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1605, 1514, 497, 2178, 1739, 1532, 1243 and 1240 were read the second time.

## SPECIAL ORDER

S.F. No. 1668: A bill for an act relating to eminent domain; providing for relocation benefits for persons displaced by acquisitions when federal funding is not provided; amending Minnesota Statutes 1982, section 117.52.

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      | DeCramer       | Knutson    | Nelson          | Schmitz   |
| Anderson    | Diessner       | Kroening   | Olson           | Sieloff   |
| Belanger    | Dieterich      | Kronebusch | Peterson, C. C. | Solon     |
| Benson      | Frank          | Laidig     | Peterson, D. C. | Storm     |
| Berg        | Frederick      | Lantry     | Peterson, D. L. | Stumpf    |
| Berglin     | Hughes         | Luther     | Peterson, R. W. | Taylor    |
| Bertram     | Isackson       | McQuaid    | Petty           | Ulland    |
| Brataas     | Johnson, D. E. | Mehrkens   | Pogemiller      | Vega      |
| Chmielewski | Jude           | Merriam    | Ramstad         | Wegscheid |
| Dahl        | Kamrath        | Moe, D. M. | Reichgott       |           |
| Davis       | Knaak          | Moe, R. D. | Renneke         |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1337: A bill for an act relating to landlords and tenants; increasing the interest rate paid by landlords on rental deposits; amending Minnesota Statutes 1982, section 504.20, subdivision 2.

Ms. Berglin moved to amend S.F. No. 1337 as follows:

Page 1, line 14, delete "5-1/4" and insert "5-1/2"

Page 1, line 21, delete the new language and reinstate the stricken language

The motion prevailed. So the amendment was adopted.

S.F. No. 1337 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 2, as follows:

Those who voted in the affirmative were:

|             |                |            |                 |         |
|-------------|----------------|------------|-----------------|---------|
| Adkins      | Davis          | Knaak      | Moe, R. D.      | Renneke |
| Anderson    | DeCramer       | Knutson    | Nelson          | Schmitz |
| Belanger    | Diessner       | Kroening   | Novak           | Sieloff |
| Benson      | Dieterich      | Kronebusch | Olson           | Solon   |
| Berg        | Frank          | Laidig     | Peterson, C. C. | Spear   |
| Berglin     | Frederick      | Lantry     | Peterson, D. C. | Storm   |
| Bernhagen   | Freeman        | Luther     | Peterson, R. W. | Stumpf  |
| Bertram     | Hughes         | McQuaid    | Petty           | Ulland  |
| Brataas     | Isackson       | Mehrkens   | Pogemiller      | Vega    |
| Chmielewski | Johnson, D. E. | Merriam    | Ramstad         |         |
| Dahl        | Jude           | Moe, D. M. | Reichgott       |         |

Messrs. Kamrath and Peterson, D.L. voted in the negative.

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

### SPECIAL ORDER

H.F. No. 1801: A bill for an act relating to transportation; defining terms; regulating carriers; providing for the classification of explosives; amending Minnesota Statutes 1982, sections 221.011, subdivision 13; 221.296, subdivision 6; 299F.19, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 221.011, subdivisions 3 and 21; 221.021; 221.025; 221.031, subdivisions 1, 2, 3, and 6; 221.121, subdivision 5; 221.131, subdivision 1; 221.185, subdivisions 1, 2, 3, 4, 5, and by adding subdivisions; 221.221,

subdivision 4; 221.81, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1982, section 169.76; Minnesota Statutes 1983 Supplement, sections 221.031, subdivision 4; and 221.185, subdivisions 6, 7, and 8.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1347: A bill for an act relating to crimes; prohibiting a person from depriving another of parental, custodial, or visitation rights; imposing penalties; providing for notification in custody or visitation orders of the deprivation of parental rights laws; requiring violations of the parental rights law to be reported under the child abuse reporting law; imposing a penalty; amending Minnesota Statutes 1982, sections 609.26; and 626.556, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 518.

Mr. Sieloff, moved to amend H. F. No. 1347, as amended pursuant to Rule 49, adopted by the Senate April 10, 1984, as follows:

(The text of the amended House File is identical to S. F. No. 1318.)

Page 1, line 17, delete "*whether temporary or final,*" and insert "*and judgment and decree*"

Page 1, line 18, before "*child*" insert "*minor*" and delete everything after "*child*"

Page 1, line 19, delete "*of 18*" and delete everything after "*shall*" and insert "*restate*"

Page 1, line 20, delete "*stepparents, or guardians of*"

Page 1, line 28, strike "*his own*" and insert "*a minor*" and delete "*or stepchild*" and strike "*under the age of 18*"

Page 1, line 29, strike "*years*"

Page 2, line 2, delete "*other*" and insert "*the child's*"

Page 2, line 2, delete "*stepparent, or a legal*" and insert "*or other person*"

*having the right to visitation or custody"*

Page 2, line 3, delete "*custodian*"

Page 2, line 4, delete "*, stepparent, or custodian*" and insert "*or other person*"

Page 2, lines 5, 16, and 23, delete "*the child*" and insert "*visitation or custody*"

Page 2, lines 6, 11, and 17, delete "*his own*" and insert "*a minor*"

Page 2, lines 7, 12, and 18, delete "*or stepchild under the age of 18*"

Page 2, line 12, delete the comma and insert "*or other person having the right to visitation or custody*"

Page 2, delete line 13

Page 2, line 15, delete "*, stepparent, or legal*" and insert "*or other person having the right to visitation or custody*"

Page 2, line 16, delete "*custodian*"

Page 2, line 19, delete "*stepparent*" and insert "*other person having the right to visitation or custody*"

Page 2, line 19, delete "*being served with process in*" and insert "*commencement of*"

Page 2, line 20, delete "*affecting marriage*" and insert "*relating to child visitation or custody*" and delete "*a temporary or*" and insert "*an*"

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

Page 2, line 23, delete "*stepparent*" and insert "*other person having the right to visitation or custody*"

Page 2, lines 31 and 32, delete "*stepparent, or legal custodian*" and insert "*or person having the right to visitation or custody*"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott moved to amend H.F. No. 1347, as amended pursuant to Rule 49, adopted by the Senate April 10, 1984, as follows:

(The text of the amended House File is identical to S. F. No. 1318.)

Page 1, line 26, delete "*is guilty of*" and insert "*may be charged with*"

Page 3, line 16, reinstate the stricken language

Page 3, line 18, after the second stricken comma, insert "*(a)*" and reinstate the stricken "*if he voluntarily*"

Page 3, reinstate line 19

Page 3, line 20, reinstate everything before the stricken semicolon and after the stricken "*or*" insert "*, he may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, and the conviction will be deemed a misdemeanor pursuant to section 609.13.*"

Page 3, line 21, before "*to*" insert "*(b) If he fails to voluntarily return the child within 14 days after he takes, detains, or fails to return the child in*

*violation of this section, he may be sentenced"*

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend the Sieloff amendment to H.F. No. 1347, adopted by the Senate April 16, 1984, as follows:

Page 1, line 13, before "*proceeding*" insert "*motion or*" and after "*518*" insert "*, 518A, 518B, or 518C*"

Page 1, line 16, before "*action*" insert "*motion or*"

Page 1, line 17, before "*518A*" insert "*518,*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1347 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 1007: A bill for an act relating to courts; permitting the establishment of compulsory nonbinding arbitration programs for use in civil proceedings; proposing new law coded in Minnesota Statutes, chapter 484.

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 3, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | DeCramer      | Kamrath    | Moe, R. D.     | Reichgott |
| Anderson    | Diessner      | Knutson    | Novak          | Renneke   |
| Belanger    | Dieterich     | Kroening   | Olson          | Schmitz   |
| Benson      | Frank         | Kronebusch | Pehler         | Sieloff   |
| Berg        | Frederick     | Laidig     | Peterson, C.C. | Solon     |
| Berglin     | Freeman       | Langseth   | Peterson, D.C. | Spear     |
| Bernhagen   | Hughes        | Lantry     | Peterson, R.W. | Storm     |
| Bertram     | Isackson      | Luther     | Petty          | Stumpf    |
| Brataas     | Johnson, D.E. | McQuaid    | Pogemiller     | Vega      |
| Chmielewski | Johnson, D.J. | Mehrkens   | Purfeerst      |           |
| Davis       | Jude          | Moe, D. M. | Ramstad        |           |

Messrs. Knaak, Merriam and Peterson, D.L. voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1633: A bill for an act relating to metropolitan government; allowing the mosquito control district to take certain actions; amending Minnesota Statutes 1982, section 473.704, subdivision 17.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1655: A bill for an act relating to financial institutions; providing an expedited procedure for certain bank applications; providing a uniform examination cycle for all supervised institutions; providing a time period within which notices of the filing of applications for detached facilities must be published; providing prior notice to the commissioner of a change in the ownership of a state bank; bringing state law into conformity with federal law regarding limitations on loans to bank directors, officers, or employees; providing prior notification to the commissioner of the termination or cancellation of a fidelity bond to a bank; authorizing the commissioner, after notification, to order the bank to take action; clarifying the exclusion of bankers' acceptances from the restrictions upon total liabilities to a bank; extending the time period imposed on a bank for the filing of proof of publication of its quarterly report; modifying the definition of "demand deposits" in light of federal deregulation of interest rates; removing the photo identification requirement from the provisions regulating the opening of checking accounts; extending the temporary removal of mortgage usury limits; clarifying service charges on dishonored checks; making various technical changes; amending Minnesota Statutes 1982, sections 45.071, by adding a subdivision; 46.04, subdivision 1; 47.204, subdivision 1; 48.03, subdivision 4; 48.08; 48.13; 48.14; 48.24, subdivision 6; 48.48, subdivisions 1 and 2; 48.51; 51A.50; 52.06, subdivision 1; 53.03, subdivision 4; 53.09, subdivision 1; 56.12; Minnesota Statutes 1983 Supplement, sections 45.04; 47.54, subdivision 1; 48.512, subdivision 2; 52.203; 53.01; 53.03, subdivisions 1 and 5; 53.04, subdivision 3a; 168.67; and 332.50, subdivision 2; repealing Minnesota



Statutes 1982, sections 47.75, subdivision 2; and 51A.44, subdivision 3.

Mr. Wegscheid moved to amend H.F. No. 1655, as amended pursuant to Rule 49, adopted by the Senate April 10, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1758.)

Page 26, after line 14, insert:

“Sec. 27. [TOWN OF CANNON FALLS; DETACHED BANKING FACILITIES.]

*With the prior approval of the commissioner of commerce, any bank doing business within 25 miles of the city of Cannon Falls may establish and maintain not more than one detached facility in the town of Cannon Falls outside of the corporate limits of the city of Cannon Falls. Any bank desiring to establish a detached facility must follow the approval procedure prescribed in Minnesota Statutes, section 47.54. The establishment of a detached facility pursuant to this section is subject to Minnesota Statutes, sections 47.51 to 47.57, except as inconsistent with this section.”*

Page 26, line 20, after the period, insert “Section 27 is effective the day after compliance with Minnesota Statutes, section 645.021 by the town board of the town of Cannon Falls.”

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 26, before “amending” insert “authorizing the establishment of certain detached banking facilities;”

The motion prevailed. So the amendment was adopted.

Mr. Storm moved to amend H.F. No. 1655, as amended pursuant to Rule 49, adopted by the Senate April 10, 1984, as follows:

(The text of the amended House File is identical to S. F. No. 1758.)

Page 26, after line 14, insert:

“Sec. 27. [CITY OF SAVAGE; DETACHED FACILITIES.]

*Notwithstanding the limitations of Minnesota Statutes, section 47.52, and upon the approval of the commissioner of commerce, any state-chartered bank and its existing detached facility operating in the city of Savage as of July 1, 1983 which were acquired by merger with a national bank prior to January 1, 1984, may be operated as detached facilities of the acquiring bank.”*

Page 26, line 20, after the period, insert “Section 27 is effective the day after approval by the Savage city council and compliance with Minnesota Statutes, section 645.021, subdivision 3, by the chief clerical officer of the city of Savage.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend H.F. No. 1655, as amended pursuant to Rule 49, adopted by the Senate April 10, 1984, as follows:

(The text of the amended House File is identical to S. F. No. 1758.)

Page 26, after line 14, insert:

"Sec. 27. Minnesota Statutes 1983 Supplement, section 609.535, subdivision 5, is amended to read:

Subd. 5. [EXCEPTIONS.] This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits."

Page 26, line 19, delete "26" and insert "27"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 26, before "amending" insert "removing an exception for dishonored checks;"

Page 1, line 36, delete "and"

Page 1, line 36, after the semicolon, insert "and 609.535, subdivision 5;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 28, as follows:

Those who voted in the affirmative were:

|          |               |                |         |           |
|----------|---------------|----------------|---------|-----------|
| Anderson | Frederick     | Kronebusch     | Petty   | Wegscheid |
| Belanger | Isackson      | McQuaid        | Ramstad |           |
| Benson   | Johnson, D.E. | Mehrkens       | Sieloff |           |
| Berg     | Jude          | Olson          | Taylor  |           |
| Brataas  | Kamrath       | Peterson, R.W. | Ulland  |           |

Those who voted in the negative were:

|             |           |            |                |        |
|-------------|-----------|------------|----------------|--------|
| Adkins      | Diessner  | Langseth   | Nelson         | Solon  |
| Berglin     | Dieterich | Lantry     | Pehler         | Spear  |
| Bertram     | Frank     | Lessard    | Peterson, D.C. | Stumpf |
| Chmielewski | Freeman   | Merriam    | Peterson, D.L. | Vega   |
| Davis       | Hughes    | Moe, D. M. | Pogemiller     |        |
| DeCramer    | Kroening  | Moe, R. D. | Reichgott      |        |

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

H.F. No. 1655 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 4, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Dieterich     | Kroening   | Olson          | Solon     |
| Anderson    | Frank         | Kronebusch | Peterson, D.C. | Spear     |
| Belanger    | Frederick     | Langseth   | Peterson, D.L. | Stumpf    |
| Benson      | Freeman       | Lantry     | Peterson, R.W. | Taylor    |
| Berg        | Isackson      | Luther     | Petty          | Ulland    |
| Bertram     | Johnson, D.E. | McQuaid    | Pogemiller     | Vega      |
| Brataas     | Jude          | Merriam    | Ramstad        | Wegscheid |
| Chmielewski | Kamrath       | Moe, D. M. | Reichgott      |           |
| DeCramer    | Knaak         | Moe, R. D. | Schmitz        |           |
| Diessner    | Knutson       | Nelson     | Sieloff        |           |

Messrs. Davis, Lessard, Mehrkens and Pehler voted in the negative.

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

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on H.F. No. 1420. The Sergeant at Arms was instructed to bring in the absent members.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Wegscheid moved that the following members be excused for a Conference Committee on S.F. No. 1750 at 3:00 p.m.:

Messrs. Wegscheid, Freeman and Sieloff. The motion prevailed.

### SPECIAL ORDER

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

Mr. Chmielewski moved to amend H. F. No. 1420, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of 52 calendar weeks immediately preceding the first day of an individual's benefit year. However, if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States for more than seven weeks within the base period, or if a claimant, whose own serious illness caused a loss of credit weeks within the base period, received compensation due to the illness from some other source or under a law of this state other than chapter 176 or under a similar law of the United States for more than seven weeks within the base period, the claimant's base period shall be lengthened by the same number of weeks, but not to exceed 52 weeks, for which the claimant received the payments. No extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year. However, if during the last base period an individual received workers' compensation for temporary disability under chapter 176 or under similar law of the United States, or if an individual, whose own serious illness caused a loss of work for which the individual received compensation due to the illness from some other source or under a law of this state, other than chapter 176 or under a similar law of the United States, the individual's base period shall be lengthened to the extent stated as follows:

(a) If an individual was compensated, as described above, for a loss of work of 7 through 19 weeks, the original base period shall be extended to include the first calendar quarter preceding the original base period; or

(b) If an individual was compensated, as described above, for a loss of work of 20 through 32 weeks, the original base period shall be extended to

*include two calendar quarters preceding the base period; or*

*(c) If an individual was compensated, as described above, for a loss of work from 33 through 45 weeks, the original base period shall be extended to include the first three calendar quarters preceding the base period; or*

*(d) If an individual was compensated, as described above, for a loss of work from 46 through 52 weeks, the original base period shall be extended to include the first four quarters preceding the base period.*

*In no instance shall the base period be extended to include more than four additional calendar quarters.*

*No extended base period shall include wage credits upon which a claim was established and benefits were paid with respect to that valid claim.*

Sec. 2. Minnesota Statutes 1982, section 268.04, subdivision 24, is amended to read:

Subd. 24. "Valid claim" with respect to any individual means a claim filed by an individual who has registered for work and who has earned wage credits ~~and established credit weeks~~ during his base period sufficient to entitle him to benefits under section 268.07, subdivision 2.

Sec. 3. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] "Wages" means all remuneration for services, including commissions and bonuses, back pay as of the date of payment, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds, for each calendar year, ~~the greater of 7,000 or that part of the remuneration which exceeds 60 percent of the average annual wage rounded to the nearest \$100 computed in accordance with the provisions of clause (f)~~ \$10,400 for the calendar year 1985; \$10,700 for the calendar year 1986; \$11,000 for the calendar year 1987; and for each subsequent calendar year the amount of the previous year increased to the nearest \$100 by the percentage, rounded to the nearest tenth of one percent, by which the average annual wage computed under clause (f) exceeds the average annual wage for the immediately preceding calendar year, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act. For the purposes of this clause, the term "employment" shall include service constituting employment under any employment

security law of another state or of the federal government;

(b) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (1) retirement or (2) sickness or accident disability or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(c) The payment by an employer (without deduction from the remuneration of the employee) (1) of the tax imposed upon an employee under section 3101 of the federal Internal Revenue Code, or (2) of any payment required from an employee under a state unemployment compensation law, with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(d) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal Internal Revenue Code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal Internal Revenue Code, or (c) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal Internal Revenue Code;

(f) On or before July 1 of each year the commissioner shall determine the average annual wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(1) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(2) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

Sec. 4. Minnesota Statutes 1983 Supplement, section 268.04, subdivision

29, is amended as follows:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 percent of the average weekly wage computed to the nearest whole dollar. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage; and

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The average weekly wage as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to December 31 of the year of the computation §94.

Sec. 5. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

*Subd. 34. [CONTRIBUTION REPORT.] "Contribution report" means the summary report of wages and employment used to determine the amount of contributions due by employers on a calendar quarter basis. An auxiliary report of wages and employment broken down by business locations, when required, is part of the contribution report.*

Sec. 6. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

*Subd. 35. [WAGE DETAIL REPORT.] "Wage detail report" means the itemized report used to record the information required by section 268.121.*

Sec. 7. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

*Subd. 36. [HIGH QUARTER.] "High quarter" means the calendar quarter in an individual's base period for which the total wage credits paid to the individual during that quarter are equal to or greater than the total wage credits paid to the individual during any other calendar quarter in the individual's base period.*

Sec. 8. Minnesota Statutes 1983 Supplement, section 268.06, subdivision 2, is amended to read:

Subd. 2. [RATES.] Each employer shall pay contributions equal to two and seven-tenths percent for each calendar year prior to 1985 and 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from him with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. ~~Each employer who has an experi-~~

ence ratio of less than one-tenth of one percent shall pay contributions on only the first \$8,000 in wages paid and wages overdue and delayed beyond the usual time of payment to each employee with respect to employment occurring during each calendar year.

Sec. 9. Minnesota Statutes 1983 Supplement, section 268.06, subdivision 3a, is amended to read:

Subd. 3a. [RATE FOR NEW EMPLOYERS.] Notwithstanding the provisions of subdivision 2, each employer, who becomes subject to this law, shall pay contributions at a rate:

(a) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's three-year benefit cost rate for the 36 consecutive month period immediately preceding July 1 of each year for each employer who becomes subject to this law prior to January 1, 1984. For purposes of this clause, the state's three-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 36 consecutive calendar months immediately preceding July 1 of each year by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

(b) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's four-year benefit cost rate for the 48 consecutive month period immediately preceding July 1 of each year for each employer, except employers in the construction industry, as determined by the commissioner, who becomes subject to this law subsequent to December 31, 1983 and prior to January 1, 1985. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants under this law during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year 1984.

Each construction employer described above who becomes subject to chapter 268 shall pay contributions at a rate, not exceeding ~~7-5 percent~~ *the maximum rate specified in subdivision 8*, that is the higher of (1) one percent, or (2) the state's four-year benefit cost rate for construction employers for the 48 consecutive month period immediately preceding July 1, 1983. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year 1984.

(c) Not exceeding 5-4/10 percent, that is the higher of (1) one percent and (2) the state's five-year benefit cost rate for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter for each employer, except employers in the construction industry, as determined by the commissioner who becomes subject to this law on January 1, 1985 and thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar

amount of benefits paid to claimants under this law during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Each construction employer described above who becomes subject to this chapter shall pay contributions at a rate, not exceeding ~~7.5 percent~~ *the maximum rate specified in subdivision 8*, that is the higher of (1) one percent, or (2) the state's five-year benefit cost rate for construction employers for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Sec. 10. Minnesota Statutes 1982, section 268.06, subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF EACH EMPLOYER'S EXPERIENCE RATIO.] The commissioner shall, for the calendar year 1966, and for each calendar year thereafter, compute an experience ratio for each employer whose account has been chargeable with benefits;

(a) During the 36 consecutive calendar months immediately preceding July 1 of the preceding calendar year for calendar years up to December 31, 1983; except that, for any employer who has not been subject to the Minnesota employment services law for a period of time sufficient to meet the 36 consecutive months requirement, the commissioner shall compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1 of the preceding calendar year. Such experience ratio shall be the quotient obtained by dividing  $1\frac{1}{4}$  times the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 36 consecutive calendar months ending on June 30 of the preceding calendar year, by his total taxable payroll for the same period on which all contributions due have been paid to the department of economic security on or before July 31 of the preceding calendar year. Such experience ratio shall be computed to the nearest one-tenth of a percent.

(b) During the 48 consecutive calendar months immediately preceding July 1, 1983 for the calendar year for 1984; except that, for any employer who has not been subject to the Minnesota employment services law for a period of time sufficient to meet the 48 consecutive months requirement, the commissioner shall compute an experience ratio if his account has been chargeable with benefits during at least the 12 consecutive calendar months immediately preceding July 1, 1983. Such experience ratio shall be the quotient obtained by dividing  $1\frac{1}{4}$  times the total benefits charged to the employer's account during the period his account has been chargeable but not less than the 12 or more than the 48 consecutive calendar months ending on June 30, 1983, by



(3) Payments due under this subdivision are subject to the collection provisions of sections 268.16 and 268.161. The surcharges paid under this subdivision are not contributions for the purposes of section 268.06, subdivision 6. ~~The commissioner may temporarily reduce the amount of surcharge imposed by this section when there are sufficient funds raised by the surcharge to make the interest payment required on federal funds advanced to the state under section 1202 of the Social Security Act.~~

(4) *For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act.*

Subd. 2. [EMERGENCY INTEREST REPAYMENT FUND, CREATION.] A special fund to be known as the emergency interest repayment fund is created in the state treasury. The special fund is separate and distinct from any fund or account created for any other purposes of sections 268.03 to 268.24. All collections from the surcharge shall be deposited in the special fund. All money in the special fund is appropriated to the commissioner to *repay advances and to pay interest or principal accruing on funds advanced from the federal government pursuant to section 1202 of the Social Security Act, and shall not be used for any other obligation of the state.* All money in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for the other special funds in the state treasury, except that all interest or net income resulting from the investment or deposit of money in the fund shall accrue to the emergency fund for the purposes of the fund.

Subd. 3. [REPORT TO LEGISLATURE.] ~~On January 1, 1984, and on January 1, 1985,~~ The commissioner shall report to the legislature *annually* on the status of the outstanding funds advanced pursuant to section 1202 of the Social Security Act, including the interest charged on those funds. When all advanced funds and the interest charged on those funds have been repaid to the federal government, the commissioner shall recommend appropriate action by the legislature relating to the termination of the emergency interest repayment fund and the disposition of any money still in the fund.

Sec. 13. Minnesota Statutes 1983 Supplement, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] ~~If the commissioner finds that an individual has earned 15, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:~~

(1) ~~Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. (1) To establish a valid claim for unemployment insurance benefits, an individual must have:~~

(a) *wage credits in two or more calendar quarters of their base period;*

(b) *minimum total base period wage credits equal to the high quarter wages multiplied by 1.25 for claims effective prior to July 1, 1986, by 1.3 for claims*

effective subsequent to July 1, 1986, and prior to July 1, 1987, by 1.4 for claims effective subsequent to July 1, 1987, and prior to July 1, 1988, and by 1.5 for claims effective after July 1, 1988; and

(c) for claims effective prior to July 1, 1986, high quarter wage credits of not less than \$1,222, and for claims effective subsequent to July 1, 1986, high quarter wage credits equivalent to 13 times 30 percent of the average weekly wage, rounded to the next lower dollar. The average weekly wage shall be determined in accordance with paragraph (3).

(2) Effective July 1, 1986, an individual who is unable to establish a valid claim under paragraph (1) may establish a valid claim if the individual has:

(a) wage credits in 30 or more weeks, with employment in each week equaling at least 20 hours; and

(b) high quarter wage credits of not less than \$871 or more than the amount determined in paragraph (1), clause (c).

(3) If the commissioner finds that an individual has sufficient wages within the base period to establish a valid claim, the weekly benefit amount payable to the individual during his benefit year shall equal 1/26 of the individual's high quarter wage credits, rounded to the next lower whole dollar; except that, the maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be 66-2/3 percent of the average weekly wage, ~~except as provided in clause (d)~~ as determined under this paragraph. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(4) Notwithstanding the provisions of paragraph (3), the maximum weekly benefit for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1988, shall be as follows:

~~(a)~~ (a) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1983, shall be \$184.

(b) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1983, and prior to July 1, 1984, shall be \$191.

(c) The maximum weekly benefit amount for claims for benefits which

establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

*(d) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$208.*

*(e) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$228.*

*(f) The maximum benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, and prior to July 1, 1988, shall be \$258.*

~~(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.~~

*(5) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to one-third of his total base period wage credits rounded to the next lower dollar not to exceed 26 times his weekly benefit amount.*

~~(3) (6) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including excluding holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.~~

~~(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983.~~

Sec. 14. Minnesota Statutes 1982, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, if the commissioner finds that an individual has earned ~~credit weeks wage credits~~ in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned ~~15 credit weeks wage credits equal to or in excess of 30 times the individual's weekly benefit amount in employment which is not seasonal, in addition to any credit weeks wage credits in seasonal employment.~~ For the purposes of this subdivision, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less each calendar year.

Sec. 15. Minnesota Statutes 1983 Supplement, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) ~~No individual may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which benefits were re-~~

ceived, the individual performed service in insured work as defined in section 268.04, subdivision 17, and earned remuneration for the service in an amount equal to not less than the minimum wage credits required to qualify for benefits. To establish a second benefit year following the expiration of an immediately preceding benefit year, an individual must have sufficient wage credits to establish a claim under the provisions of this section and must have performed services after the establishment of the expired benefit year. The services performed must have been in insured work and the wage credits from the services must equal not less than ten times the weekly benefit amount of the second benefit year.

(2) No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits based upon earnings of the claimant during a subsequent base period unless the employer has employed the claimant in any part of the subsequent base period.

(3) Wages paid by an employing unit may not be used for benefit purposes by any individual who (a) individually or jointly with a spouse, parent or child owns or controls directly or indirectly 25 percent or more interest in the employing unit; or (b) is the spouse, parent or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employing unit; and (c) is not permanently separated from employment.

This clause is effective when the individual has been paid four times the individual's weekly benefit amount in the current benefit year.

(4) Wages paid in seasonal employment, as defined in subdivision 2a, are not available for benefit purposes during weeks in which there is no seasonal employment available with the employer.

Sec. 16. Minnesota Statutes 1983 Supplement, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in atten-

dance at, or on vacation from an established school, college or university unless a majority of the ~~credit weeks~~ *wage credits* earned in the base period were for services performed during weeks in which the student was attending school as a full-time student. *If the individual's claim for benefits is valid by application of section 268.07, subdivision 2, paragraph (2), the individual shall be considered unavailable for work with respect to any week which occurs when the individual is a full-time student.*

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 17. Minnesota Statutes 1983 Supplement, section 268.09, is amended by adding a subdivision to read:

*Subd. 2a. An individual whose claim for benefits is valid by application of section 268.07, subdivision 2, paragraph (2), and is disqualified for benefits under subdivisions 1 and 2 of this section, other than for gross misconduct, shall be disqualified for waiting week credit and benefits. The disqualification shall continue until four weeks have elapsed following the separation or refusal of suitable work or reemployment and until the individual has worked for a minimum of 20 hours in each of four weeks.*

Sec. 18. Minnesota Statutes 1982, section 268.10, subdivision 1, is amended to read:

Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within seven days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish the reason for separation from all employers in his base period.

(2) ~~Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such~~

claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

(a) The total wage credits earned in the base period;

(b) The number of credit weeks which end within the base period;

(c) The week ending dates for each calendar week within the base period in which the individual earned less than the amount required to make a credit week and the amount of earnings in each such week;

(d) The reason for the separation or separations of such individual from the employ of the employer in the base period; and

(e) Such employer's protest, if any, relating to the ineligibility or disqualification of such individual. Upon establishment of a benefit year, the commissioner shall give notice to the last employer for whom the individual worked and all base period employers. The employer so notified shall have seven days after the mailing of the notice to file a protest to charges or raise an issue of ineligibility or disqualification.

(3) If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall:

(a) Determine the validity of an individual's claim based on the claimant's statements or any other available information. An employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of economic security and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to his last known address. If, upon review of the wage information on file with the department it is found that an employer failed to provide wage information for the claimant, the commissioner shall accept a claimant certification as to the wages earned, based upon the claimant's records, and issue a monetary determination of validity based upon the certification. The employer who failed to report the individual's wages or filed an erroneous report shall be penalized in accordance with section 268.16 or 268.18. In the absence of fraud, if a redetermination of validity of claim based on an employer's late or erroneous report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination; and.

(b) (4) The commissioner shall determine any issue of disqualification raised by clause (1) or by an employer's late report. If an employer fails to file a separation notice within the time limits prescribed in clause (1), any relief from benefit charges provided by section 268.09, subdivision 1, clause (4), shall apply to weeks of unemployment beginning after the filing of the late report.

Sec. 19. Minnesota Statutes 1983 Supplement, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; AP-

transcripts, or reproductions thereof, or other papers in his custody, which are more than two years old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 21. Minnesota Statutes 1982, section 268.121, is amended to read:

268.121 [WAGE REPORTING.]

Beginning on April 1, 1984, each employer subject to this chapter shall provide the commissioner with a quarterly report of the wages, as defined in section 268.04, subdivision 25, paid to each employee of that employer covered by this chapter. The commissioner shall provide the legislature with his recommendations for statutory changes to fully implement this section no later than January 1, 1983. The report must include the employee's name, social security number, and total wages paid to the employee.

Sec. 22. Minnesota Statutes 1982, section 268.15, subdivision 3, is amended to read:

Subd. 3. [CONTINGENT ACCOUNT.] There is hereby created in the state treasury a special account, to be known as the employment services contingent account, which shall not lapse nor revert to any other fund. Such account shall consist of all moneys appropriated therefor by the legislature, all moneys in the form of interest and penalties collected pursuant to sections 268.16 and 268.18, and all moneys received in the form of voluntary contributions to this account and interest thereon. All moneys in such account shall be supplemental to all federal moneys that would be available to the commissioner but for the existence of this account. Moneys in this account are hereby appropriated to the commissioner and shall be expended in accordance with the provisions of section 3.30, in connection with the administration of sections 268.03 to 268.24. Commencing with the fiscal year beginning July 1, 1984, the commissioner is authorized to expend annually, in addition to any federal moneys and without reference to section 3.30, the sum of \$500,000, from available moneys in this fund which are derived from interest and penalties collected pursuant to sections 268.16 and 268.18 and moneys received in the form of voluntary payments and interest thereon, for the purpose of providing for: (a) the investigation of fraud on the part of any person in claiming or obtaining benefits under sections 268.03 to 268.24 or fraud on the part of any employer in attempting to avoid or reduce any contribution or other payment required from an employing unit under those sections; (b) determination of benefit overpayments and contribution underpayments for reasons other than fraud; and (c) recovery of moneys due to the

*department as a result of clauses (a) and (b).* Whenever the commissioner expends moneys from said contingent account for the proper and efficient administration of the Minnesota employment services law for which funds have not yet been made available by the federal government, such moneys so withdrawn from the contingent account shall be replaced as hereinafter provided. Upon the deposit in the employment services administration fund of moneys which are received in reimbursement of payments made as above provided for said contingent account, the commissioner shall certify to the state treasurer the amount of such reimbursement and thereupon the state treasurer shall transfer such amount from the employment services administration fund to said contingent account. All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for the other special accounts in the state treasury. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the employment services contingent account provided for herein. Notwithstanding anything to the contrary contained herein, on June 30 of each year, except 1982, all amounts in excess of \$300,000 in this account shall be paid over to the unemployment compensation fund established under section 268.05 and administered in accordance with the provisions set forth therein.

Sec. 23. Minnesota Statutes 1983 Supplement, section 268.16, subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.] (1) Any employer who knowingly fails to make and submit to the department of economic security any *contribution report of wages paid by or due from him for insured work in the manner and at the time such the report is required by regulations rules* prescribed by the commissioner shall pay to the department of economic security for the contingent account a penalty in the amount of one and one-half percent of contributions accrued during the period for which *such the report is required*, for each month from and after *such the due date* until *such the report is properly made and submitted to the department of economic security*. In no case shall the amount of the penalty imposed hereby be less than \$5 per month. The maximum penalty imposed hereby shall be \$25 or the amount determined at the rate of 1-1/2 percent per month, whichever is greater. ~~Any employing unit which fails to make and submit to the commissioner any report, other than one of wages paid or payable for insured work, as and when required by the regulations of the commissioner, shall be subject to a penalty in the sum of \$10 payable to the department of economic security for the contingent account. All such penalties shall be in addition to interest and any other penalties provided for by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.~~

(2) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so within the time prescribed by these sections or by regulations under the authority thereof, or shall make, willfully or otherwise, an incorrect, false or fraudulent contribution report, he shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make for



him a report, or corrected report, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, if he finds it substantially correct, substitute it for the commissioner's report.

(3) Any employer who fails to file the wage detail report required by section 268.121 shall pay to the department of economic security for the contingent account a penalty of one-tenth of one percent of total wages paid and wages due but not paid during the period for each month the report is delinquent. The penalty shall not be assessed if the wage detail report is properly made and filed within 30 days after a demand for the report is mailed to the employer's address of record. In no case shall the amount of the penalty, if assessed, be more than \$500 or less than \$25. Penalties due under this subdivision may be waived where good cause for late filing is found by the commissioner. Any employer who files the wage detail report required by section 268.121 but knowingly fails to include any of the required information or knowingly enters erroneous information shall be subject to a penalty of \$25 for each individual for whom the information is missing or erroneous.

(4) Any employing unit which fails to make and submit to the commissioner any report, other than a contribution report or wage detail report, as and when required by rule, shall be subject to a penalty in the sum of \$25 payable to the department of economic security for the contingent account.

(5) Penalties provided for in paragraphs (1), (3), and (4) shall be in addition to interest and any other penalties imposed by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.

#### Sec. 24. [BENEFIT AND WAGE STUDY.]

The commissioner shall conduct a study of benefit claims and wage data reported under section 268.121. The study shall include, but not be limited to, determining and examining cyclical patterns of unemployment, reemployment and benefit duration. The commissioner shall report the results of the study to the 1986 regular session of the legislature.

#### Sec. 25. [REPEALER.]

Minnesota Statutes 1982, section 268.04, subdivision 30, is repealed. Minnesota Statutes 1983 Supplement, sections 268.04, subdivision 29, and 268.08, subdivision 9, are repealed.

#### Sec. 26. [EFFECTIVE DATES.]

Section 8 is effective retroactively to January 1, 1984.

Sections 4, 5, 6, 12, 20, 21, 22, 23 and 24 are effective the day following final enactment.

*Sections 3, 9, and 10 are effective January 1, 1985.*

*Sections 1, 2, 7, 13, 14, 15, 16, 17, 18 and 19 are effective July 1, 1985, for benefit years subsequent to June 30, 1985.*

*That part of section 11 which strikes the 1.5 percent and 2.5 percent limitations on tax rate changes is effective retroactively to January 1, 1984, with the remainder of section 11 being effective January 1, 1985.*

*That part of section 25 which repeals Minnesota Statutes 1983 Supplement, section 268.08, subdivision 9, is effective the day after final enactment, with the remainder of section 25 being effective July 1, 1985, for benefit years subsequent to June 30, 1985."*

Delete the title and insert:

"A bill for an act relating to employment; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; making administrative changes; providing a penalty; amending Minnesota Statutes 1982, sections 268.04, subdivision 24, and by adding subdivisions; 268.06, subdivisions 6 and 8; 268.07, subdivision 2a; 268.10, subdivision 1; 268.121; 268.15, subdivision 3; Minnesota Statutes 1983 Supplement, sections 268.04, subdivisions 2, 25 and 29; 268.06, subdivisions 2 and 3a; 268.061; 268.07, subdivisions 2 and 3; 268.08, subdivision 1; 268.09, by adding a subdivision; 268.10, subdivision 2; 268.12, subdivision 8; and 268.16, subdivision 2; repealing Minnesota Statutes 1982, section 268.04, subdivision 30; Minnesota Statutes 1983 Supplement, sections 268.04, subdivision 29; and 268.08, subdivision 9."

The motion prevailed. So the amendment was adopted.

Mr. Taylor moved to amend H.F. No. 1420 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of 52 calendar weeks immediately preceding the first day of an individual's benefit year. However, if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States for more than seven weeks within the base period; or if a claimant, whose own serious illness caused a loss of credit weeks within the base period; received compensation due to the illness from some other source or under a law of this state other than chapter 176 or under a similar law of the United States for more than seven weeks within the base period, the claimant's base period shall be lengthened by the same number of weeks, but not to exceed 52 weeks, for which the claimant received the payments. No extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year. However, if during the last base period an individual received workers' compensation for temporary disability under chapter 176 or under similar law of the United States, or if an individual, whose own serious illness caused a loss of work for which the individual received compensation due to the illness from some other source or under a law of this state, other than chapter 176 or under a similar law of

annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

Sec. 4. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 percent of the average weekly wage computed to the nearest whole dollar. On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment;

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage; and

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The average weekly wage as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to December 31 of the year of the computation §94.

Sec. 5. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 34. [CONTRIBUTION REPORT.] "Contribution report" means the summary report of wages and employment used to determine the amount of contributions due by employers on a calendar quarter basis. An auxiliary report of wages and employment broken down by business locations, when required, is part of the contribution report.

Sec. 6. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 35. [WAGE DETAIL REPORT.] "Wage detail report" means the itemized report used to record the information required by section 268.121.

Sec. 7. Minnesota Statutes 1982, section 268.04, is amended by adding a subdivision to read:

Subd. 36. [HIGH QUARTER.] "High quarter" means the calendar quarter in an individual's base period for which the total wage credits paid to the individual during that quarter are equal to or greater than the total wage credits paid to the individual during any other calendar quarter in the individual's base period.

Sec. 8. Minnesota Statutes 1983 Supplement, section 268.06, subdivision 2, is amended to read:

Subd. 2. [RATES.] Each employer shall pay contributions equal to two and

seven-tenths percent for each calendar year prior to 1985 and 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from him with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. ~~Each employer who has an experience ratio of less than one-tenth of one percent shall pay contributions on only the first \$8,000 in wages paid and wages overdue and delayed beyond the usual time of payment to each employee with respect to employment occurring during each calendar year.~~

Sec. 9. Minnesota Statutes 1983 Supplement, section 268.06, subdivision 3a, is amended to read:

Subd. 3a. [RATE FOR NEW EMPLOYERS.] Notwithstanding the provisions of subdivision 2, each employer, who becomes subject to this law, shall pay contributions at a rate:

(a) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's three-year benefit cost rate for the 36 consecutive month period immediately preceding July 1 of each year for each employer who becomes subject to this law prior to January 1, 1984. For purposes of this clause, the state's three-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 36 consecutive calendar months immediately preceding July 1 of each year by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

(b) Not exceeding 2-7/10 percent, that is the higher of (1) one percent and (2) the state's four-year benefit cost rate for the 48 consecutive month period immediately preceding July 1 of each year for each employer, except employers in the construction industry, as determined by the commissioner, who becomes subject to this law subsequent to December 31, 1983 and prior to January 1, 1985. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants under this law during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year 1984.

Each construction employer described above who becomes subject to chapter 268 shall pay contributions at a rate, not exceeding ~~7-5 percent the maximum rate specified in subdivision 8~~, that is the higher of (1) one percent, or (2) the state's four-year benefit cost rate for construction employers for the 48 consecutive month period immediately preceding July 1, 1983. For purposes of this clause, the state's four-year benefit cost rate shall be computed and derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 48 consecutive calendar months immediately preceding July 1, 1983 by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year 1984.

(c) Not exceeding 5-4/10 percent, that is the higher of (1) one percent and (2) the state's five-year benefit cost rate for the 60 consecutive month period

immediately preceding July 1, 1984 and each year thereafter for each employer, except employers in the construction industry, as determined by the commissioner who becomes subject to this law on January 1, 1985 and thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Each construction employer described above who becomes subject to this chapter shall pay contributions at a rate, not exceeding ~~7-5 percent the maximum rate specified in subdivision 8,~~ that is the higher of (1) one percent, or (2) the state's five-year benefit cost rate for construction employers for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Sec. 10. Minnesota Statutes 1982, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] (1) For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the employer's experience ratio; except that if the ratio for the current calendar year increases or decreases the experience ratio for the preceding calendar year by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, the increase or decrease for the current year shall be limited to one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter. "Small business employer" for the purpose of this subdivision means an employer with an annual covered payroll of \$250,000 or less, or fewer than 20 employees in three of the four quarters ending June 30, of the previous calendar year. The minimum rate for all employers shall be one percent for calendar year 1985; if the amount in the unemployment compensation fund is less than \$80,000,000 on June 30 of the preceding calendar year, or nine-tenths of one percent for calendar year 1986; if the fund is more than \$80,000,000 but less than \$90,000,000, or eight-tenths of one percent for calendar 1987; and if the fund is more than \$90,000,000 but less than \$110,000,000, or seven-tenths of one percent for calendar year 1988 and subsequent years if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than

*\$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or more; provided that no employer shall have a contribution rate of more than 7.5 percent. The maximum contribution rate shall be eight percent for calendar years 1985 and 1986, and seven and one-half percent for calendar year 1987 and subsequent years.*

(2) For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. No employer first assigned an experience ratio in accordance with subdivision 6, shall have his contribution rate increased or decreased by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter over the contribution rate assigned for the preceding calendar year in accordance with subdivision 3a; provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter.

Sec. 11. Minnesota Statutes 1983 Supplement, section 268.061, is amended to read:

268.061 [SURCHARGE; EMERGENCY INTEREST REPAYMENT FUND.]

Subdivision 1. [AMOUNT.] (1) Each employer, except those making payments in lieu of contributions pursuant to section 268.06, subdivisions 25, 26, 27 and 28, shall pay an annual surcharge of ten percent of contributions paid or due and payable for the calendar years 1982 and 1983 through 1986.

(2) The commissioner shall notify employers of the contributions upon which the surcharge is based and the amount of surcharge payable no later than August 1, 1983, and August 1, 1984 following each taxable year. The surcharge for taxable year 1982 shall be paid no later than August 31, 1983, and the surcharge for taxable year 1983 shall be paid no later than August 31, 1984 following each taxable year.

(3) Payments due under this subdivision are subject to the collection provisions of sections 268.16 and 268.161. The surcharges paid under this subdivision are not contributions for the purposes of section 268.06, subdivision 6. The commissioner may temporarily reduce the amount of surcharge imposed by this section when there are sufficient funds raised by the surcharge to make the interest payment required on federal funds advanced to the state under section 1202 of the Social Security Act.

Subd. 2. [EMERGENCY INTEREST REPAYMENT FUND, CREATION.] A special fund to be known as the emergency interest repayment fund is created in the state treasury. The special fund is separate and distinct from any fund or account created for any other purposes of sections 268.03 to 268.24. All collections from the surcharge shall be deposited in the special fund. All money in the special fund is appropriated to the commissioner to repay advances and to pay interest or principal accruing on funds advanced from the federal government pursuant to section 1202 of the Social Security Act, and shall not be used for any other obligation of the state. All money in this fund shall be deposited, administered, and disbursed in the same manner

and under the same conditions and requirements as are provided by law for the other special funds in the state treasury, except that all interest or net income resulting from the investment or deposit of money in the fund shall accrue to the emergency fund for the purposes of the fund.

Subd. 3. [REPORT TO LEGISLATURE.] On ~~January 1, 1984, and on~~ January 1, 1985, ~~January 1, 1986, and January 1, 1987,~~ the commissioner shall report to the legislature on the status of the outstanding funds advanced pursuant to section 1202 of the Social Security Act, including the interest charged on those funds. When all advanced funds and the interest charged on those funds have been repaid to the federal government, the commissioner shall recommend appropriate action by the legislature relating to the termination of the emergency interest repayment fund and the disposition of any money still in the fund.

Sec. 12. Minnesota Statutes 1983 Supplement, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 15, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. The maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be  $66\frac{2}{3}$  percent of the average weekly wage, except as provided in clause (d). (1) To establish a valid claim for unemployment insurance benefits, an individual must have:

(a) wage credits in two or more calendar quarters of their base period;

(b) minimum total base period wage credits equal to the high quarter wages multiplied by 1.5; and

(c) for claims effective prior to July 1, 1986, high quarter wage credits of not less than \$1,222, and for claims effective subsequent to July 1, 1986, high quarter wage credits equivalent to 13 times 30 percent of the average weekly wage, rounded to the next lower dollar. The average weekly wage shall be determined in accordance with paragraph (2).

(2) On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the

average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(3) If the commissioner finds that an individual has sufficient wages within the base period to establish a valid claim, the weekly benefit amount payable to the individual during his benefit year shall equal  $1/26$  of the individual's high quarter wage credits, rounded to the next lower whole dollar.

(4) Notwithstanding the provisions of paragraph (3), the maximum weekly benefit for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1988, shall be as follows:

(a) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1982, and prior to July 1, 1983, shall be \$184.

(b) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1983, and prior to July 1, 1984, shall be \$191.

(c) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

(d) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$205.

(e) The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$212.

(f) The maximum benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, and each subsequent year shall be \$219.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(5) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to one-third of his total base period wage credits rounded to the next lower dollar not to exceed 26 times his weekly benefit amount.

(3) (6) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

(4) The provisions of clauses (1) and (2) shall apply to claims for benefits



which establish a benefit year subsequent to June 30, 1983.

Sec. 13. Minnesota Statutes 1982, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, if the commissioner finds that an individual has earned ~~credit weeks wage credits~~ in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned ~~45 credit weeks wage credits equal to or in excess of 30 times the individual's weekly benefit amount~~ in employment which is not seasonal, in addition to any ~~credit weeks wage credits~~ in seasonal employment. For the purposes of this subdivision, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less each calendar year.

Sec. 14. Minnesota Statutes 1983 Supplement, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) ~~No individual may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which benefits were received, the individual performed service in insured work as defined in section 268.04, subdivision 17, and earned remuneration for the service in an amount equal to not less than the minimum wage credits required to qualify for benefits~~ *To establish a second benefit year following the expiration of an immediately preceding benefit year, an individual must have sufficient wage credits to establish a claim under the provisions of this section and must have performed services after the establishment of the expired benefit year. The services performed must have been in insured work and the wage credits from the services must equal not less than ten times the weekly benefit amount of the second benefit year.*

(2) No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits based upon earnings of the claimant during a subsequent base period unless the employer has employed the claimant in any part of the subsequent base period.

(3) Wages paid by an employing unit may not be used for benefit purposes by any individual who (a) individually or jointly with a spouse, parent or child owns or controls directly or indirectly 25 percent or more interest in the employing unit; or (b) is the spouse, parent or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employing unit; and (c) is not permanently separated from employment.

This clause is effective when the individual has been paid four times the individual's weekly benefit amount in the current benefit year.

(4) Wages paid in seasonal employment, as defined in subdivision 2a, are not available for benefit purposes during weeks in which there is no seasonal employment available with the employer.

Sec. 15. Minnesota Statutes 1983 Supplement, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if

the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the ~~credit weeks~~ *wage credits* earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 16. Minnesota Statutes 1983 Supplement, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clauses (1), (2), or (3) shall be disqualified for waiting week credit and benefits. For separations under clauses (1) and (2), the disqualification shall continue until ~~four~~ *eight* calendar weeks have elapsed following his separation and the individual has earned ~~four~~ *eight* times his weekly benefit amount in insured work.

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an

individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of

an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with his work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the distance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from his own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 17. Minnesota Statutes 1983 Supplement, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK

OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until ~~four~~ eight calendar weeks have elapsed following his refusal or failure and he has earned ~~four~~ eight times his weekly benefit amount in insured work if the commissioner finds that he has failed, without good cause, either to apply for available, suitable work of which he was advised by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to accept a base period employer's offer of re-employment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in his base period.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

Sec. 18. Minnesota Statutes 1982, section 268.10, subdivision 1, is amended to read:

Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within seven days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish the

reason for separation from all employers in his base period.

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

(a) The total wage credits earned in the base period;

(b) The number of credit weeks which end within the base period;

(c) The week ending dates for each calendar week within the base period in which the individual earned less than the amount required to make a credit week and the amount of earnings in each such week;

(d) The reason for the separation or separations of such individual from the employ of the employer in the base period; and

(e) Such employer's protest, if any, relating to the ineligibility or disqualification of such individual. Upon establishment of a benefit year, the commissioner shall give notice to the last employer for whom the individual worked and all base period employers. The employer so notified shall have seven days after the mailing of the notice to file a protest to charges or raise an issue of ineligibility or disqualification.

(3) If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall:

(a) Determine the validity of an individual's claim based on the claimant's statements or any other available information. An employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of economic security and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to his last known address. If, upon review of the wage information on file with the department it is found that an employer failed to provide wage information for the claimant, the commissioner shall accept a claimant certification as to the wages earned, based upon the claimant's records, and issue a monetary determination of validity based upon the certification. The employer who failed to report the individual's wages or filed an erroneous report shall be penalized in accordance with section 268.16 or 268.18. In the absence of fraud, if a redetermination of validity of claim based on an employer's late or erroneous report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination; and.

(b) (4) The commissioner shall determine any issue of disqualification raised by clause (1) or by an employer's late report. If an employer fails to file a separation notice within the time limits prescribed in clause (1), any relief from benefit charges provided by section 268.09, subdivision 1, clause (4), shall apply to weeks of unemployment beginning after the filing of the late report.

Sec. 19. Minnesota Statutes 1983 Supplement, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. ~~If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer, the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in insured work by the number of base period credit weeks. If within the time specified for the filing of wage and separation information a protest as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an appeal tribunal decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an appeal decision awarding benefits, any benefits paid under the award of such initial determination or appeal tribunal decision shall be deemed erroneous payments.~~

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing

the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to a referee for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the tribunal from an initial determination.

(6) If a referee's decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 20. Minnesota Statutes 1983 Supplement, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, appeal referee, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, appeal referee, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24, ~~provided that quarterly contribution and wage report forms shall include the employee's name, social security number, and total wages paid to the employee.~~

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16.02, except restrictions as to



quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota Employment Services Law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 21. Minnesota Statutes 1982, section 268.121, is amended to read:

268.121 [WAGE REPORTING.]

Beginning on April 1, 1984, each employer subject to this chapter shall provide the commissioner with a quarterly report of *the wages, as defined in section 268.04, subdivision 25, paid to each employee of that employer covered by this chapter. The commissioner shall provide the legislature with his recommendations for statutory changes to fully implement this section no later than January 1, 1983. The report must include the employee's name, social security number, and total wages paid to the employee.*

Sec. 22. Minnesota Statutes 1983 Supplement, section 268.16, subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.] (1) Any employer who knowingly fails to make and submit to the department of economic security any contribution report of *wages paid by or due from him for insured work in the manner and at the time such the report is required by regulations rules* prescribed by the commissioner shall pay to the department of economic security for the contingent account a penalty in the amount of one and one-half percent of contributions accrued during the period for which *such the* report is required, for each month from and after *such the due* date until *such the* report is properly made and submitted to the department of economic security. In no case shall the amount of the penalty imposed hereby be less than \$5 per month. The maximum penalty imposed hereby shall be \$25 or the amount determined at the rate of 1-1/2 percent per month, whichever is greater. *Any employing unit which fails to make and submit to the commissioner any report, other than one of wages paid or payable for insured work, as and when required by the regulations of the commissioner, shall be*

subject to a penalty in the sum of \$10 payable to the department of economic security for the contingent account. All such penalties shall be in addition to interest and any other penalties provided for by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.

(2) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so within the time prescribed by these sections or by regulations under the authority thereof, or shall make, willfully or otherwise, an incorrect, false or fraudulent contribution report, he shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make for him a report, or corrected report, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, if he finds it substantially correct, substitute it for the commissioner's report.

(3) Any employer who fails to file the wage detail report required by section 268.121 shall pay to the department of economic security for the contingent account a penalty of one-tenth of one percent of total wages paid and wages due but not paid during the period for each month the report is delinquent. The penalty shall not be assessed if the wage detail report is properly made and filed within 30 days after a demand for the report is mailed to the employer's address of record. In no case shall the amount of the penalty, if assessed, be more than \$500 or less than \$25. Penalties due under this subdivision may be waived where good cause for late filing is found by the commissioner. Any employer who files the wage detail report required by section 268.121 but knowingly fails to include any of the required information or knowingly enters erroneous information shall be subject to a penalty of \$25 for each individual for whom the information is missing or erroneous.

(4) Any employing unit which fails to make and submit to the commissioner any report, other than a contribution report or wage detail report, as and when required by rule, shall be subject to a penalty in the sum of \$25 payable to the department of economic security for the contingent account.

(5) Penalties provided for in paragraphs (1), (3), and (4) shall be in addition to interest and any other penalties imposed by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.

### Sec. 23. [BENEFIT AND WAGE STUDY.]

The commissioner shall conduct a study of benefit claims and wage data reported under section 268.121. The study shall include, but not be limited

to, determining and examining cyclical patterns of unemployment, reemployment and benefit duration. The commissioner shall report the results of the study to the 1986 regular session of the legislature.

Sec. 24. [REPEALER.]

*Minnesota Statutes 1982, section 268.04, subdivision 30, is repealed. Minnesota Statutes 1983 Supplement, section 268.04, subdivision 29, is repealed.*

Sec. 25. [EFFECTIVE DATES.]

*Section 8 is effective retroactively to January 1, 1984.*

*Sections 4, 5, 6, 11, 16, 17, 20, 21, 22, and 23 are effective the day following final enactment.*

*Sections 3 and 9 are effective January 1, 1985.*

*Sections 1, 2, 7, 12, 13, 14, 15, 18 and 19 are effective July 1, 1985 for benefit years subsequent to June 30, 1985.*

*That part of section 10 which strikes the 1.5 percent and 2.5 percent limitations on tax rate changes is effective retroactively to January 1, 1984, with the remainder of section 10 being effective January 1, 1985.*

*That part of section 24 which repeals Minnesota Statutes 1983 Supplement, section 268.08, subdivision 9 is effective the day after final enactment, with the remainder of section 25 being effective July 1, 1985 for benefit years subsequent to June 30, 1985."*

Delete the title in its entirety and insert:

"A bill for an act relating to unemployment compensation; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; making administrative changes; providing a penalty; amending Minnesota Statutes 1982, sections 268.04, subdivision 24, and by adding subdivisions; 268.06, subdivisions 6 and 8; 268.07, subdivision 2a; 268.10, subdivision 1; 268.121; Minnesota Statutes 1983 Supplement, sections 268.04, subdivisions 2, 25 and 29; 268.06, subdivisions 2 and 3a; 268.061; 268.07, subdivisions 2 and 3; 268.08, subdivision 1; 268.09, subdivisions 1 and 2, and by adding a subdivision; 268.10, subdivision 2; 268.12, subdivision 8; and 268.16, subdivision 2; repealing Minnesota Statutes 1982, section 268.04, subdivision 30; Minnesota Statutes 1983 Supplement, section 268.04, subdivision 29."

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Belanger moved to amend the Chmielewski delete everything amendment to H.F. No. 1420 as follows:

Page 19, after line 31, insert:

"Sec. 17. Minnesota Statutes 1983 Supplement, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work but not to exceed 28 calendar days; or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision 3k; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under title II of the Social Security Act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not

entitled to such benefits, this provision shall not apply. If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount."

Renumber the sections in sequence and correct the internal references

Amend the title amendment as follows:

Page 31, line 27, delete "subdivision 1" and insert "subdivisions 1 and 3"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|             |           |            |                |           |
|-------------|-----------|------------|----------------|-----------|
| Adkins      | Dieterich | Lantry     | Peterson, C.C. | Schmitz   |
| Berglin     | Frank     | Lessard    | Peterson, D.C. | Spear     |
| Bertram     | Frederick | Merriam    | Peterson, R.W. | Stumpf    |
| Chmielewski | Freeman   | Moe, D. M. | Petty          | Vega      |
| Dahl        | Hughes    | Moe, R. D. | Pogemiller     | Wegscheid |
| Davis       | Jude      | Nelson     | Purfeerst      |           |
| DeCramer    | Knaak     | Novak      | Reichgott      |           |
| Diessner    | Langseth  | Pehler     | Samuelson      |           |

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

H.F. No. 1420 was read the third time, as amended, and placed on its final passage.

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

Mr. Ulland moved that those not voting be excused from voting. The motion did not prevail.

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

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|           |               |            |                |        |
|-----------|---------------|------------|----------------|--------|
| Adkins    | Brataas       | Kamrath    | Olson          | Stumpf |
| Anderson  | DeCramer      | Knaak      | Peterson, D.L. | Taylor |
| Belanger  | Frederick     | Knutson    | Ramstad        | Ulland |
| Benson    | Frederickson  | Kronebusch | Renneke        |        |
| Berg      | Hughes        | Laidig     | Samuelson      |        |
| Bernhagen | Isackson      | McQuaid    | Sieloff        |        |
| Bertram   | Johnson, D.E. | Mehrkens   | Storm          |        |

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

**SPECIAL ORDER**

H.F. No. 1778: A bill for an act relating to environment; changing the date by which the pollution control agency must adopt an acid deposition standard for acid deposition in certain sensitive areas; amending Minnesota Statutes 1982, section 116.44, 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

|             |           |            |                 |         |
|-------------|-----------|------------|-----------------|---------|
| Adkins      | Diessner  | Knutson    | Pehler          | Sieloff |
| Anderson    | Dieterich | Kronebusch | Peterson, D. C. | Spear   |
| Benson      | Frank     | Laidig     | Peterson, D. L. | Storm   |
| Berglin     | Frederick | Lantry     | Peterson, R. W. | Stumpf  |
| Bernhagen   | Freeman   | Lessard    | Petty           | Taylor  |
| Bertram     | Hughes    | Mehrkens   | Pogemiller      | Ulland  |
| Chmielewski | Isackson  | Merriam    | Ramstad         | Vega    |
| Dahl        | Jude      | Moe, D. M. | Reichgott       | Willet  |
| Davis       | Kamrath   | Novak      | Renneke         |         |
| DeCramer    | Knaak     | Olson      | Schmitz         |         |

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

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; 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.

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 45 and nays 0, as follows:

Those who voted in the affirmative were:

|           |           |            |                 |           |
|-----------|-----------|------------|-----------------|-----------|
| Adkins    | Davis     | Kamrath    | Merriam         | Ramstad   |
| Anderson  | DeCramer  | Knaak      | Novak           | Reichgott |
| Belanger  | Diessner  | Knutson    | Olson           | Renneke   |
| Benson    | Dieterich | Kronebusch | Pehler          | Schmitz   |
| Berg      | Frank     | Laidig     | Peterson, D. C. | Solon     |
| Berglin   | Frederick | Lantry     | Peterson, D. L. | Spear     |
| Bernhagen | Hughes    | Lessard    | Peterson, R. W. | Storm     |
| Bertram   | Isackson  | McQuaid    | Petty           | Stumpf    |
| Dahl      | Jude      | Mehrkens   | Pogemiller      | Vega      |

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

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.

Mr. Dahl moved that the amendment made to H.F. No. 1656 by the Committee on Rules and Administration in the report adopted April 16, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1656 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 1, as follows:

Those who voted in the affirmative were:

|           |            |         |                |        |
|-----------|------------|---------|----------------|--------|
| Adkins    | Diessner   | Laidig  | Peterson, D.C. | Spear  |
| Anderson  | Dieterich  | Lantry  | Peterson, D.L. | Storm  |
| Berg      | Frank      | Lessard | Peterson, R.W. | Stumpf |
| Berglin   | Frederick  | Luther  | Petty          | Ulland |
| Bernhagen | Hughes     | McQuaid | Pogemiller     | Vega   |
| Bertram   | Isackson   | Merriam | Ramstad        |        |
| Brataas   | Jude       | Novak   | Reichgott      |        |
| Davis     | Knutson    | Olson   | Schmitz        |        |
| DeCramer  | Kronebusch | Pehler  | Solon          |        |

Mr. Knaak voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 2148: A bill for an act relating to insurance; authorizing the use of smoker and nonsmoker mortality tables; proposing new law coded in Minnesota Statutes, chapter 61A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

|           |           |            |                |           |
|-----------|-----------|------------|----------------|-----------|
| Adkins    | Davis     | Knaak      | Moe, R. D.     | Reichgott |
| Anderson  | DeCramer  | Knutson    | Novak          | Schmitz   |
| Belanger  | Diessner  | Kronebusch | Olson          | Solon     |
| Benson    | Dieterich | Laidig     | Pehler         | Spear     |
| Berg      | Frank     | Lantry     | Peterson, D.C. | Storm     |
| Berglin   | Hughes    | Lessard    | Peterson, R.W. | Stumpf    |
| Bernhagen | Isackson  | Luther     | Petty          | Ulland    |
| Bertram   | Jude      | McQuaid    | Pogemiller     | Vega      |
| Brataas   | Kamrath   | Merriam    | Ramstad        |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1257: A bill for an act relating to occupations and professions; regulating entertainment agencies; providing penalties; proposing new law coded as Minnesota Statutes, chapter 184A.

Mr. Solon moved to amend H. F. No. 1257 as follows:

Page 3, line 35, delete "*employment*" and insert "*entertainment*"

Page 8, lines 34 and 36, delete "*employment*" and insert "*entertainment*"

Page 9, lines 5, 9, 11, 14, 15, 16, 18, and 35, delete "talent" and insert "entertainment"

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend H.F. No. 1257 as follows:

Page 1, line 23, delete "for an artist or artists" and insert "under written contract for three or more artists or groups of artists at any one time, or who have a written contract or continuing verbal agreement with an establishment or an individual to provide artists or groups of artists for one or more engagements"

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 1257 as follows:

Page 4, delete lines 12 to 20

Page 4, line 21, delete "4" and insert "2"

Page 6, line 5, delete everything after the period

Page 6, delete lines 6 to 9

Page 6, line 10, delete everything before "No"

Page 8, line 2, after the period insert "Department records relating to the financial status of applicants for an entertainment agency license are private data on individuals as defined in section 13.02, subdivision 12."

Page 10, after line 28, insert:

"Sec. 21. [APPLICATION; EXISTING CONTRACTS.]

Sections 1 to 20 are applicable to all contracts between entertainment agencies and artists initially entered into or renewed on or after the effective date of this act."

The motion prevailed. So the amendment was adopted.

H.F. No. 1257 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 35 and nays 11, as follows:

Those who voted in the affirmative were:

|           |             |            |                |         |
|-----------|-------------|------------|----------------|---------|
| Adkins    | Brataas     | Frank      | Lessard        | Schmitz |
| Belanger  | Chmielewski | Hughes     | Novak          | Solon   |
| Benson    | Dahl        | Jude       | Peterson, D.C. | Spear   |
| Berg      | Davis       | Knaak      | Petty          | Storm   |
| Berglin   | DeCramer    | Kronebusch | Pogemiller     | Stumpf  |
| Bernhagen | Diessner    | Laidig     | Reichgott      | Ulland  |
| Bertram   | Dieterich   | Lantry     | Renneke        | Vega    |

Those who voted in the negative were:

|               |         |          |         |                |
|---------------|---------|----------|---------|----------------|
| Anderson      | Kamrath | McQuaid  | Merriam | Peterson, D.L. |
| Isackson      | Knutson | Mehrkens | Olson   | Ramstad        |
| Johnson, D.E. |         |          |         |                |

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Peterson, C.C. moved that S.F. No. 147 be taken from the table. The



motion prevailed.

S.F. No. 147: A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

Mr. Peterson, C.C. moved that the Senate do not concur in the amendments by the House to S.F. No. 147, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

### CALL OF THE SENATE

Mr. Spear imposed a call of the Senate for the balance of the proceedings on S.F. No. 147. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Spear moved to amend the Peterson, C.C. motion by striking "3" and inserting "5"

Mr. Peterson, C.C. moved that S.F. No. 147 be laid on the table. The motion prevailed.

### RECONSIDERATION

Mr. Solon moved that the vote whereby H.F. No. 2148 was passed by the Senate on April 17, 1984, be now reconsidered. The motion prevailed.

H.F. No. 2148: A bill for an act relating to insurance; authorizing the use of smoker and nonsmoker mortality tables; proposing new law coded in Minnesota Statutes, chapter 61A.

Mr. Solon moved that the amendment made to H.F. No. 2148 by the Committee on Rules and Administration in the report adopted April 16, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2148 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

|             |               |            |                |         |
|-------------|---------------|------------|----------------|---------|
| Anderson    | DeCramer      | Knaak      | Novak          | Sieloff |
| Belanger    | Diessner      | Knutson    | Olson          | Solon   |
| Benson      | Dieterich     | Kronebusch | Pehler         | Spear   |
| Berg        | Frank         | Lantry     | Peterson, C.C. | Storm   |
| Berglin     | Frederick     | Luther     | Peterson, D.C. | Stumpf  |
| Bernhagen   | Freeman       | McQuaid    | Peterson, D.L. | Ulland  |
| Bertram     | Hughes        | Mehrkens   | Petty          | Vega    |
| Brataas     | Isackson      | Merriam    | Pogemiller     |         |
| Chmielewski | Johnson, D.E. | Moe, D. M. | Ramstad        |         |
| Dahl        | Jude          | Moe, R. D. | Renneke        |         |
| Davis       | Kamrath       | Nelson     | Schmitz        |         |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1975: A bill for an act relating to transportation; allowing entire

portions of former trunk highways to revert to counties under certain circumstances; allowing town road funds to be used for maintenance; discontinuing a trunk highway route; amending Minnesota Statutes 1982, section 161.16, subdivision 4; and Minnesota Statutes 1983 Supplement, section 162.081, subdivision 4.

Mr. DeCramer moved to amend H.F. No. 1975, as amended pursuant to Rule 49, adopted by the Senate April 9, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1912.)

Page 3, line 14, before "maintenance" insert "gravel"

Page 3, line 24, after "upon" insert "certification by the commissioner of transportation to the Traverse County board that"

Page 3, line 25, after "roadway" insert "has been completed,"

Amend the title as follows:

Page 1, line 5, before "maintenance" insert "gravel"

The motion prevailed. So the amendment was adopted.

H.F. No. 1975 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Davis         | Knaak      | Novak          | Reichgott |
| Anderson    | DeCramer      | Knutson    | Olson          | Renneke   |
| Belanger    | Diessner      | Kronebusch | Pehler         | Schmitz   |
| Benson      | Dieterich     | Lantry     | Peterson, C.C. | Sieloff   |
| Berg        | Frank         | Lessard    | Peterson, D.C. | Spear     |
| Berglin     | Frederick     | McQuaid    | Peterson, D.L. | Stumpf    |
| Bernhagen   | Hughes        | Mehrkens   | Peterson, R.W. | Ulland    |
| Bertram     | Johnson, D.E. | Merriam    | Petty          | Vega      |
| Brataas     | Jude          | Moe, R. D. | Pogemiller     |           |
| Chmielewski | Kamrath       | Nelson     | Ramstad        |           |

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

### SPECIAL ORDER

H.F. No. 1606: A bill for an act relating to elections; prohibiting certain inquiries of voters at or near the polls; amending Minnesota Statutes 1982, section 204C.06, 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 35 and nays 20, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Frank         | Lantry     | Novak          | Reichgott |
| Berglin     | Freeman       | Lessard    | Pehler         | Schmitz   |
| Bertram     | Hughes        | Luther     | Peterson, C.C. | Solon     |
| Chmielewski | Johnson, D.J. | Merriam    | Peterson, D.C. | Spear     |
| Davis       | Jude          | Moe, D. M. | Peterson, R.W. | Stumpf    |
| Diessner    | Knaak         | Moe, R. D. | Petty          | Vega      |
| Dieterich   | Kronebusch    | Nelson     | Pogemiller     | Wegscheid |

Those who voted in the negative were:

|          |           |               |                |         |
|----------|-----------|---------------|----------------|---------|
| Anderson | Bernhagen | Johnson, D.E. | McQuaid        | Ramstad |
| Belanger | Brataas   | Kamrath       | Mehrkins       | Renneke |
| Benson   | Frederick | Knutson       | Olson          | Sieloff |
| Berg     | Isackson  | Laidig        | Peterson, D.L. | Ulland  |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

Mr. Stumpf moved to amend H.F. No. 1743, as amended pursuant to Rule 49, adopted by the Senate April 16, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1781.)

Page 2, line 12, delete everything after "when" and insert "the transaction is closed by either a licensed practicing attorney or by"

Amend the title as follows:

Page 1, line 2, delete "removing" and insert "modifying"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 26, as follows:

Those who voted in the affirmative were:

|             |           |                |                |           |
|-------------|-----------|----------------|----------------|-----------|
| Adkins      | DeCramer  | Knaak          | Peterson, D.L. | Stumpf    |
| Benson      | Dieterich | Kronebusch     | Peterson, R.W. | Vega      |
| Berg        | Frank     | Lessard        | Pogemiller     | Wegscheid |
| Berglin     | Freeman   | Luther         | Renneke        |           |
| Bertram     | Jude      | Nelson         | Solon          |           |
| Chmielewski | Kamrath   | Peterson, D.C. | Spear          |           |

Those who voted in the negative were:

|           |               |            |           |         |
|-----------|---------------|------------|-----------|---------|
| Anderson  | Frederick     | McQuaid    | Olson     | Sieloff |
| Belanger  | Isackson      | Mehrkins   | Pehler    | Ulland  |
| Bernhagen | Johnson, D.E. | Merriam    | Petty     |         |
| Brataas   | Knutson       | Moe, D. M. | Ramstad   |         |
| Davis     | Laidig        | Moe, R. D. | Reichgott |         |
| Diessner  | Lantry        | Novak      | Schmitz   |         |

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend H.F. No. 1743, as amended pursuant to Rule 49, adopted by the Senate April 16, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1781.)

Page 3, line 3, before the period, insert "and applies to all auctioneers initially licensed and bonded pursuant to Minnesota Statutes, sections 330.01 and 330.02, on or after that date"

Amend the title as follows:

Page 1, line 2, delete "removing" and insert "limiting"

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

Mr. Benson moved to amend H.F. No. 1743, as amended pursuant to Rule 49, adopted by the Senate April 16, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1781.)

Page 2, line 12, after "person" insert "does not engage in more than ten transactions per year selling real estate as an auctioneer or"

Amend the title as follows:

Page 1, line 2, delete "removing" and insert "modifying"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 39, as follows:

Those who voted in the affirmative were:

|         |              |            |                |        |
|---------|--------------|------------|----------------|--------|
| Benson  | Chmielewski  | Isackson   | McQuaid        | Stumpf |
| Berg    | Diessner     | Kronebusch | Peterson, D.L. |        |
| Bertram | Frederickson | Lessard    | Solon          |        |

Those who voted in the negative were:

|           |               |            |                |           |
|-----------|---------------|------------|----------------|-----------|
| Adkins    | Dicklich      | Kamrath    | Novak          | Renneke   |
| Anderson  | Dieterich     | Knaak      | Olson          | Schmitz   |
| Belanger  | Frank         | Knutson    | Pehler         | Sieloff   |
| Berglin   | Frederick     | Laidig     | Peterson, D.C. | Spear     |
| Bernhagen | Freeman       | Lantry     | Peterson, R.W. | Ulland    |
| Dahl      | Hughes        | Merriam    | Petty          | Vega      |
| Davis     | Johnson, D.E. | Moe, D. M. | Ramstad        | Wegscheid |
| DeCramer  | Jude          | Moe, R. D. | Reichgott      |           |

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

H.F. No. 1743 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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 and grants to businesses; amending Minnesota Statutes 1982, section 298.17.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

Mr. Petty moved to amend H.F. No. 1502, as amended pursuant to Rule 49, adopted by the Senate April 16, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1491.)

Page 10, line 14, delete "*Indian child*" and insert "*parent*"

Page 10, line 14, delete "*parent*" and insert "*Indian child*"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 1502, as amended pursuant to Rule 49, adopted by the Senate April 16, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1491.)

Page 9, after line 23, insert:

*"If the Indian child's parent chooses a different placement preference, that preference shall constitute good cause to the contrary."*

Page 10, after line 6, insert:

*"If the Indian child's parent chooses a different placement preference, that preference shall constitute good cause to the contrary."*

Page 10, line 13, delete *"If appropriate,"*

Mr. Dieterich requested division of the amendment as follows:

First portion:

Page 9, after line 23, insert:

*"If the Indian child's parent chooses a different placement preference, that preference shall constitute good cause to the contrary."*

Page 10, after line 6, insert:

*"If the Indian child's parent chooses a different placement preference, that preference shall constitute good cause to the contrary."*

Second portion:

Page 10, line 13, delete *"If appropriate,"*

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 20 and nays 31, as follows:

Those who voted in the affirmative were:

|           |              |            |                |           |
|-----------|--------------|------------|----------------|-----------|
| Anderson  | Frederickson | Knutson    | McQuaid        | Renneke   |
| Benson    | Isackson     | Kronebusch | Olson          | Sieloff   |
| Berg      | Kamrath      | Laidig     | Peterson, D.L. | Waldorf   |
| Frederick | Knaak        | Lessard    | Ramstad        | Wegscheid |

Those who voted in the negative were:

|             |               |                |                |        |
|-------------|---------------|----------------|----------------|--------|
| Adkins      | Dicklich      | Langseth       | Peterson, D.C. | Ulland |
| Berglin     | Diessner      | Lantry         | Peterson, R.W. | Vega   |
| Bertram     | Dieterich     | Luther         | Petty          | Willet |
| Chmielewski | Frank         | Merriam        | Reichgott      |        |
| Dahl        | Johnson, D.E. | Moe, R. D.     | Samuelson      |        |
| Davis       | Jude          | Pehler         | Spear          |        |
| DeCramer    | Kroening      | Peterson, C.C. | Stumpf         |        |

The motion did not prevail. So the first portion of the amendment was not adopted.

The question was taken on the second portion of the amendment. The motion prevailed. So the second portion of the amendment was adopted.

H.F. No. 1502 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      | Diessner     | Langseth   | Peterson, C.C. | Schmitz   |
| Anderson    | Dieterich    | Lantry     | Peterson, D.C. | Solon     |
| Berglin     | Frank        | Lessard    | Peterson, D.L. | Spear     |
| Bertram     | Frederickson | Luther     | Peterson, R.W. | Stumpf    |
| Chmielewski | Freeman      | McQuaid    | Petty          | Taylor    |
| Dahl        | Jude         | Merriam    | Ramstad        | Ulland    |
| Davis       | Kroening     | Moe, D. M. | Reichgott      | Vega      |
| DeCramer    | Kronebusch   | Olson      | Renneke        | Wegscheid |
| Dicklich    | Laidig       | Pehler     | Samuelson      | Willet    |

Those who voted in the negative were:

|        |           |               |         |         |
|--------|-----------|---------------|---------|---------|
| Benson | Frederick | Johnson, D.E. | Knaak   | Sieloff |
| Berg   | Isackson  | Kamrath       | Knutson | Waldorf |

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Peterson, C.C. moved that S.F. No. 147 be taken from the table. The motion prevailed.

S.F. No. 147: A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

Mr. Peterson, C.C. moved that the Senate do not concur in the amendments by the House to S.F. No. 147, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

### 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. 1939: Messrs. Chmielewski, Knutson and Lessard.

S.F. No. 311: Ms. Berglin, Mrs. Lantry and Mr. Benson.

S.F. No. 147: Messrs. Peterson, C.C.; Moe, D.M.; Peterson, R.W.; Renneke and Spear.

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

### RECESS

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

motion prevailed.

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

### CALL OF THE SENATE

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Willet moved that the following members be excused for a Conference Committee on H.F. No. 2317 at 7:30 p.m.:

Messrs. Willet, Samuelson, Frederickson, Luther and Kroening. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Order of Business of Messages From the House and First Reading of House Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1753, 1771, 1422 and 1775.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 17, 1984

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1753: A bill for an act relating to the city of St. Cloud; giving the city the powers of a port authority.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1529, now on Special Orders.

H.F. No. 1771: A bill for an act relating to financial institutions; credit unions; providing for reciprocity between Minnesota credit unions and credit unions from states that have enacted similar laws; amending Minnesota Statutes 1982, section 52.03.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1637, now on Special Orders.

H.F. No. 1422: A bill for an act relating to corporations; regulating corporate take-overs; requiring certain disclosures; providing certain limitations on offerors; prescribing suspension powers of the commissioner; providing a hearing; regulating control share acquisitions of Minnesota business corporations; defining terms; prescribing penalties; amending Minnesota Statutes 1982, sections 80B.01; 80B.03, subdivisions 1, 2, and 5, and by adding



subdivisions; 80B.05; 80B.06; 80B.07; 80B.08; 80B.10; 302A.011, by adding subdivisions; 302A.449, by adding a subdivision; 302A.461, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1982, sections 80B.02; 80B.03, subdivisions 3 and 4; and 80B.12, subdivisions 1 and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1975, now on Special Orders.

H.F. No. 1775: A bill for an act relating to energy and economic development; energy and economic development authority; adding definitions; clarifying duties and powers of the energy and economic development authority; correcting statutory references; amending Minnesota Statutes 1982, sections 116J.88, as amended; 116J.89, subdivision 4; 116J.90, by adding a subdivision; 116J.91, subdivisions 15, 17, 18, and by adding subdivisions; 474.01, subdivisions 7 and 7a; Minnesota Statutes 1983 Supplement, sections 116J.89, subdivisions 1, 1a, 1b, 1c, 2, 6, and 8; 116J.90, subdivisions 1, 2, 3, 5, and 6; 116J.91, subdivisions 1, 4, 11, 12, 16, 19, and 20; 116J.923, subdivision 7; 116J.924, subdivision 3; 116J.925, subdivisions 1 and 3; 275.125, subdivision 12a; Laws 1983, chapter 323, section 5, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 116L; repealing Minnesota Statutes 1983 Supplement, sections 116J.922; 116J.923, subdivisions 2 and 12; and 116J.924, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1960, now on Special Orders.

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

Mr. Moe, D.M. introduced—

S.F. No. 2214: A bill for an act relating to state departments and agencies; requiring agencies to provide services and materials in languages other than English; proposing new law coded as Minnesota Statutes, chapter 15B.

Referred to the Committee on Governmental Operations.

Mr. Schmitz introduced—

S.F. No. 2215: A bill for an act relating to commerce; providing for payment to a farm implement retailer by the manufacturer, wholesaler, or distributor who repurchases inventory; requiring the payment of interest on overdue accounts; amending Minnesota Statutes 1982, section 325E.06, subdivision 1.

Referred to the Committee on Economic Development and Commerce.

Messrs. Laidig, Berg, Knaak, Wegscheid and Lessard introduced—

S.F. No. 2216: A bill for an act relating to ethics; prohibiting the use by

corporations, organizations, and individuals of public funds for the purpose of "grass roots lobbying" to influence legislation; prescribing a penalty; proposing new law coded in Minnesota Statutes, chapter 10A.

Referred to the Committee on Elections and Ethics.

Mr. Petty, Mrs. Lantry, Ms. Berglin, Mrs. Kronebusch and Ms. Reichgott introduced—

S.F. No. 2217: A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1982, sections 182.651, by adding subdivisions; 182.653, by adding subdivisions; and 182.655, by adding a subdivision.

Referred to the Committee on Employment.

### SPECIAL ORDER

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

Mr. Petty moved that the amendment made to H.F. No. 1722 by the Committee on Rules and Administration in the report adopted April 11, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1722 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Diessner      | Kronebusch | Pehler         | Schmitz   |
| Anderson    | Frank         | Laidig     | Peterson, D.C. | Sieloff   |
| Benson      | Hughes        | Lantry     | Peterson, D.L. | Stumpf    |
| Berg        | Isackson      | McQuaid    | Peterson, R.W. | Ulland    |
| Bertram     | Johnson, D.E. | Mehrkens   | Petty          | Waldorf   |
| Chmielewski | Jude          | Merriam    | Purfeerst      | Wegscheid |
| Davis       | Kamrath       | Moe, D. M. | Ramstad        |           |
| DeCramer    | Knaak         | Moe, R. D. | Reichgott      |           |
| Dicklich    | Knutson       | Olson      | Renneke        |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1279: A bill for an act relating to crimes; clarifying the crime of contributing to the delinquency of a minor; providing for the admissibility of certain statements as evidence; expanding the definitions of sexual contact and coercion; increasing the age limit of minor victims protected under criminal sexual conduct offenses; clarifying certain terms; amending Minnesota Statutes 1982, sections 595.02; 609.341, subdivisions 11 and 14; 609.346; 609.347, subdivision 3; 609.364, subdivision 9; and 626.556, subdivision 8; Minnesota Statutes 1983 Supplement, sections 260.315; 609.342; and 609.343; proposing new law coded in Minnesota Statutes, chapter 260.

Mr. Petty moved to amend H.F. No. 1279, the unofficial engrossment, as

follows:

Page 4, line 8, before "*neglect*" insert "*alleged*"

The motion prevailed. So the amendment was adopted.

Mr. Petty then moved to amend H.F. No. 1279, the unofficial engrossment, as follows:

Page 4, line 9, after "2" insert "*, unless the evidence is cumulative. However, the evidence shall be admitted when it supports otherwise uncorroborated statements of any material fact by a minor alleged to be abused or neglected*"

Page 5, line 1, after "2" insert "*, unless the evidence is cumulative. However, the evidence shall be admitted when it supports otherwise uncorroborated statements of any material fact by a minor alleged to be abused or neglected*"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H. F. No. 1279, the unofficial engrossment as follows:

Page 2, line 13, after "*statement*" insert "*and the reliability of the person to whom the statement is made*"

Page 6, after line 18, insert:

*"Nothing in this section shall impair any privilege of communication arising out of or made in anticipation of litigation or prosecution and made upon the recommendation of counsel."*

Page 6, line 27, after "*statement*" insert "*and the reliability of the person to whom the statement is made*"

Mr. Petty requested division of the amendment as follows:

First portion:

Page 2, line 13, after "*statement*" insert "*and the reliability of the person to whom the statement is made*"

Page 6, line 27, after "*statement*" insert "*and the reliability of the person to whom the statement is made*"

Second portion:

Page 6, after line 18, insert:

*"Nothing in this section shall impair any privilege of communication arising out of or made in anticipation of litigation or prosecution and made upon the recommendation of counsel."*

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 28 and nays 25, as follows:

Those who voted in the affirmative were:

|             |               |            |                |         |
|-------------|---------------|------------|----------------|---------|
| Anderson    | Diessner      | Jude       | McQuaid        | Renneke |
| Benson      | Dieterich     | Kamrath    | Mehrkens       | Sieloff |
| Berg        | Frederick     | Knaak      | Olson          | Storm   |
| Bernhagen   | Freeman       | Knutson    | Peterson, D.L. | Ulland  |
| Brataas     | Isackson      | Kronebusch | Purfeerst      |         |
| Chmielewski | Johnson, D.E. | Laidig     | Ramstad        |         |

Those who voted in the negative were:

|          |          |            |                |           |
|----------|----------|------------|----------------|-----------|
| Adkins   | Dicklich | Luther     | Peterson, C.C. | Reichgott |
| Berglin  | Frank    | Merriam    | Peterson, D.C. | Spear     |
| Bertram  | Hughes   | Moe, R. D. | Peterson, R.W. | Stumpf    |
| Davis    | Langseth | Novak      | Petty          | Vega      |
| DeCramer | Lantry   | Pehler     | Pogemiller     | Wegscheid |

The motion prevailed. So the second portion of the amendment was adopted.

Mr. Freeman moved to amend H.F. No. 1279, the unofficial engrossment, as follows:

Page 4, lines 5 to 9, delete the new language and insert "A court shall authorize disclosure of records pertaining to a patient for the purpose of conducting an investigation of or a prosecution in any proceeding arising out of the neglect or physical or sexual abuse of a minor, as defined in section 626.556, subdivision 2, where the patient is suspected of the neglect or abuse, if the court finds that the following criteria are met:

(1) There is a reasonable likelihood that the records in question will disclose material information or evidence of substantial value in connection with the investigation or prosecution; and

(2) There is no other practicable way of obtaining the information or evidence. This clause shall not be construed to prohibit disclosure of the patient record when it supports the otherwise uncorroborated statements of any material fact by a minor alleged to have been abused or neglected by the patient.

No records may be disclosed other than the patient records of a specific patient, identified in the order as a patient suspected of the neglect or abuse of a minor.

Disclosure and dissemination of any information from a patient record shall be limited under the terms of the order to assure that no information will be unnecessarily disclosed and that dissemination will be no wider than necessary for purposes of the investigation or prosecution."

Page 4, lines 33 to 36, delete the new language

Page 5, line 1, delete the new language and insert "A court shall authorize disclosure of records pertaining to a patient for the purpose of conducting an investigation of or a prosecution in any proceeding arising out of the neglect or physical or sexual abuse of a minor, as defined in section 626.556, subdivision 2, where the patient is suspected of the neglect or abuse, if the court finds that the following criteria are met:

(1) There is a reasonable likelihood that the records in question will disclose material information or evidence of substantial value in connection with the investigation or prosecution; and

*(2) There is no other practicable way of obtaining the information or evidence. This clause shall not be construed to prohibit disclosure of the patient record when it supports the otherwise uncorroborated statements of any material fact by a minor alleged to have been abused or neglected by the patient.*

*No records may be disclosed other than the patient records of a specific patient, identified in the order as a patient suspected of the neglect or abuse of a minor.*

*Disclosure and dissemination of any information from a patient record shall be limited under the terms of the order to assure that no information will be unnecessarily disclosed and that dissemination will be no wider than necessary for purposes of the investigation or prosecution."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 20, as follows:

Those who voted in the affirmative were:

|           |               |            |                |         |
|-----------|---------------|------------|----------------|---------|
| Anderson  | Chmielewski   | Jude       | McQuaid        | Schmitz |
| Benson    | Diessner      | Kamrath    | Mehrkens       | Sieloff |
| Berg      | Dieterich     | Knaak      | Olson          | Solon   |
| Berglin   | Frederick     | Knutson    | Pehler         | Storm   |
| Bernhagen | Freeman       | Kronebusch | Peterson, D.L. |         |
| Bertram   | Isackson      | Laidig     | Purfeerst      |         |
| Brataas   | Johnson, D.E. | Langseth   | Ramstad        |         |

Those who voted in the negative were:

|          |        |                |                |           |
|----------|--------|----------------|----------------|-----------|
| Adkins   | Frank  | Merriam        | Peterson, R.W. | Stumpf    |
| Davis    | Hughes | Moe, D. M.     | Petty          | Vega      |
| DeCramer | Lantry | Moe, R. D.     | Pogemiller     | Waldorf   |
| Dicklich | Luther | Peterson, D.C. | Spear          | Wegscheid |

The motion prevailed. So the amendment was adopted.

H.F. No. 1279 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      | Knutson    | Pehler         | Solon     |
| Anderson    | Dieterich     | Kronebusch | Peterson, D.C. | Spear     |
| Benson      | Frank         | Laidig     | Peterson, D.L. | Storm     |
| Berglin     | Frederick     | Langseth   | Peterson, R.W. | Stumpf    |
| Bernhagen   | Freeman       | Lantry     | Petty          | Vega      |
| Bertram     | Hughes        | Luther     | Pogemiller     | Waldorf   |
| Brataas     | Isackson      | McQuaid    | Purfeerst      | Wegscheid |
| Chmielewski | Johnson, D.E. | Mehrkens   | Ramstad        |           |
| Davis       | Jude          | Merriam    | Reichgott      |           |
| DeCramer    | Kamrath       | Moe, R. D. | Schmitz        |           |
| Dicklich    | Knaak         | Olson      | Sieloff        |           |

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

### SPECIAL ORDER

S.F. No. 1683: A bill for an act relating to housing; prohibiting certain rent

control ordinances in cities, counties, and towns; proposing new law coded in Minnesota Statutes, chapter 471.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 17, as follows:

Those who voted in the affirmative were:

|           |               |          |                |           |
|-----------|---------------|----------|----------------|-----------|
| Adkins    | DeCramer      | Knaak    | Peterson, C.C. | Solon     |
| Anderson  | Diessner      | Laidig   | Peterson, D.L. | Storm     |
| Benson    | Frederick     | Langseth | Petty          | Stumpf    |
| Bernhagen | Isackson      | McQuaid  | Purfeerst      | Ulland    |
| Bertram   | Johnson, D.E. | Mehrkens | Ramstad        | Vega      |
| Brataas   | Jude          | Olson    | Schmitz        | Waldorf   |
| Davis     | Kamrath       | Pehler   | Sieloff        | Wegscheid |

Those who voted in the negative were:

|             |               |            |                |       |
|-------------|---------------|------------|----------------|-------|
| Berglin     | Frank         | Kronebusch | Moe, R. D.     | Spear |
| Chmielewski | Freeman       | Lantry     | Peterson, D.C. |       |
| Dicklich    | Johnson, D.J. | Merriam    | Peterson, R.W. |       |
| Dieterich   | Knutson       | Moe, D. M. | Pogemiller     |       |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 2247: A bill for an act relating to public health; exempting increases of less than five swing beds from certificate of need review; amending Minnesota Statutes 1982, section 145.833, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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      | Dieterich      | Kronebusch | Pehler          | Schmitz   |
| Anderson    | Frank          | Laidig     | Peterson, C. C. | Sieloff   |
| Benson      | Frederick      | Langseth   | Peterson, D. C. | Spear     |
| Berglin     | Freeman        | Lantry     | Peterson, D. L. | Storm     |
| Bertram     | Hughes         | Luther     | Peterson, R. W. | Stumpf    |
| Brataas     | Isackson       | McQuaid    | Petty           | Ulland    |
| Chmielewski | Johnson, D. J. | Mehrkens   | Pogemiller      | Vega      |
| Davis       | Jude           | Merriam    | Purfeerst       | Waldorf   |
| DeCramer    | Kamrath        | Moe, R. D. | Ramstad         | Wegscheid |
| Dicklich    | Knaak          | Novak      | Reichgott       |           |
| Diessner    | Knutson        | Olson      | Renneke         |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 560: A bill for an act relating to Cook County; permitting the sale of certain land.

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 5, as follows:

Those who voted in the affirmative were:

|             |                |            |                 |           |
|-------------|----------------|------------|-----------------|-----------|
| Adkins      | Diessner       | Knutson    | Pehler          | Solon     |
| Anderson    | Dieterich      | Kronebusch | Peterson, C. C. | Spear     |
| Benson      | Frank          | Langseth   | Peterson, D. C. | Storm     |
| Berglin     | Frederickson   | Lantry     | Peterson, D. L. | Stumpf    |
| Bertram     | Freeman        | Luther     | Petty           | Taylor    |
| Brataas     | Hughes         | McQuaid    | Pogemiller      | Ulland    |
| Chmielewski | Isackson       | Mehrkens   | Purfeerst       | Vega      |
| Dahl        | Johnson, D. J. | Moe, D. M. | Ramstad         | Waldorf   |
| Davis       | Jude           | Moe, R. D. | Reichgott       | Wegscheid |
| DeCramer    | Kamrath        | Novak      | Renneke         |           |
| Dicklich    | Knaak          | Olson      | Schmitz         |           |

Those who voted in the negative were:

|           |        |         |                 |         |
|-----------|--------|---------|-----------------|---------|
| Frederick | Laidig | Merriam | Peterson, R. W. | Sieloff |
|-----------|--------|---------|-----------------|---------|

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

Mr. Taylor moved that the amendment made to H.F. No. 322 by the Committee on Rules and Administration in the report adopted April 16, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Ulland moved to amend H. F. No. 322 as follows:

Page 1, after line 23, insert:

“Sec. 2. [HERMANTOWN: DEFERRED ASSESSMENT.]

*The city of Hermantown may, in its discretion, defer the payment of special assessment for public improvements for any homestead property owned by a person for whom it would be a hardship to make the payments, regardless of the age or disability of the owner. The deferral period may not exceed ten years. In other respects the deferral shall be in accordance with Minnesota Statutes, sections 435.193 to 435.195.*

Sec. 3. [LOCAL APPROVAL.]

*Section 2 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Hermantown.”*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “providing that the city of Hermantown may allow deferral of special assessment payments where payment would cause hardship;”

The motion prevailed. So the amendment was adopted.

Mr. Langseth moved to amend H.F. No. 322 as follows:

Page 1, after line 23, insert:

*“This section shall not apply to any statutory or home rule city which, as of the effective date of this act, has a requirement that a person be a resident of the city as a condition of employment for at least some of the employment opportunities of the city.”*

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

H.F. No. 322 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 36 and nays 6, as follows:

Those who voted in the affirmative were:

|             |               |            |           |           |
|-------------|---------------|------------|-----------|-----------|
| Adkins      | Frank         | Knutson    | Olson     | Taylor    |
| Anderson    | Frederick     | Kronebusch | Ramstad   | Ulland    |
| Benson      | Hughes        | Laidig     | Reichgott | Waldorf   |
| Bertram     | Isackson      | Lantry     | Renneke   | Wegscheid |
| Chmielewski | Johnson, D.E. | McQuaid    | Schmitz   |           |
| Davis       | Jude          | Mehrkins   | Sieloff   |           |
| DeCramer    | Kamrath       | Merriam    | Solon     |           |
| Diessner    | Knaak         | Moe, R. D. | Storm     |           |

Those who voted in the negative were:

|          |        |                |       |        |
|----------|--------|----------------|-------|--------|
| Freeman  | Luther | Peterson, D.C. | Petty | Stumpf |
| Langseth |        |                |       |        |

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

### SPECIAL ORDER

S.F. No. 2165: A bill for an act relating to public finance; authorizing additional investment alternatives; providing for the delivery of municipal



obligations in certificated or uncertificated form; providing restrictions on the use of certain data; providing a formula for determining limitations on interest rates on municipal obligations; providing an alternative procedure for conducting a public sale of municipal obligations; amending Minnesota Statutes 1982, sections 471.56, by adding a subdivision; 475.55, subdivisions 1, 4, and by adding a subdivision; 475.60, subdivision 3, and by adding a subdivision; repealing Minnesota Statutes 1982, sections 475.71; and 475.76, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Dicklich      | Kamrath    | Moe, R. D.     | Renneke   |
| Anderson    | Diessner      | Knaak      | Olson          | Schmitz   |
| Benson      | Frank         | Knutson    | Pehler         | Sieloff   |
| Bernhagen   | Frederick     | Kronebusch | Peterson, D.C. | Solon     |
| Bertram     | Freeman       | Laidig     | Peterson, D.L. | Stumpf    |
| Brataas     | Hughes        | Langseth   | Petty          | Taylor    |
| Chmielewski | Isackson      | Lantry     | Pogemiller     | Ulland    |
| Davis       | Johnson, D.E. | McQuaid    | Ramstad        | Wegscheid |
| DeCramer    | Jude          | Mehrrens   | Reichgott      |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Diessner      | Knaak      | Moe, R. D.     | Schmitz   |
| Anderson    | Dieterich     | Knutson    | Olson          | Sieloff   |
| Benson      | Frank         | Kronebusch | Pehler         | Stumpf    |
| Bertram     | Freeman       | Laidig     | Peterson, D.C. | Taylor    |
| Brataas     | Hughes        | Langseth   | Peterson, D.L. | Ulland    |
| Chmielewski | Isackson      | Lantry     | Petty          | Wegscheid |
| Davis       | Johnson, D.E. | Luther     | Pogemiller     |           |
| DeCramer    | Jude          | McQuaid    | Ramstad        |           |
| Dicklich    | Kamrath       | Merriam    | Reichgott      |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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 37 and nays 21, as follows:

Those who voted in the affirmative were:

|             |                |            |                 |        |
|-------------|----------------|------------|-----------------|--------|
| Adkins      | Diessner       | Kroening   | Pehler          | Solon  |
| Berglin     | Dieterich      | Laidig     | Peterson, C. C. | Storm  |
| Bertram     | Frank          | Langseth   | Peterson, D. C. | Stumpf |
| Chmielewski | Freeman        | Lantry     | Peterson, R. W. | Ulland |
| Dahl        | Hughes         | Luther     | Pogemiller      | Vega   |
| Davis       | Johnson, D. E. | Merriam    | Purfeerst       |        |
| DeCramer    | Johnson, D. J. | Moe, R. D. | Reichgott       |        |
| Dicklich    | Jude           | Novak      | Schmitz         |        |

Those who voted in the negative were:

|           |              |                 |         |           |
|-----------|--------------|-----------------|---------|-----------|
| Anderson  | Frederickson | Kronebusch      | Petty   | Wegscheid |
| Benson    | Isackson     | McQuaid         | Ramstad |           |
| Bernhagen | Kamrath      | Mehrkens        | Renneke |           |
| Brataas   | Knaak        | Olson           | Sieloff |           |
| Frederick | Knutson      | Peterson, D. L. | Spear   |           |

So the resolution passed and its title was agreed to.

### SPECIAL ORDER

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.

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 0, as follows:

Those who voted in the affirmative were:

|             |           |            |                 |           |
|-------------|-----------|------------|-----------------|-----------|
| Adkins      | Diessner  | Knutson    | Pehler          | Storm     |
| Anderson    | Dieterich | Kronebusch | Peterson, D. C. | Stumpf    |
| Benson      | Frank     | Laidig     | Peterson, D. L. | Taylor    |
| Bertram     | Frederick | Lantry     | Petty           | Ulland    |
| Brataas     | Hughes    | McQuaid    | Pogemiller      | Wegscheid |
| Chmielewski | Isackson  | Mehrkens   | Ramstad         |           |
| Davis       | Jude      | Merriam    | Reichgott       |           |
| DeCramer    | Kamrath   | Moe, R. D. | Schmitz         |           |
| Dicklich    | Knaak     | Olson      | Sieloff         |           |

So the bill passed and its title was agreed to.

### RECONSIDERATION

Mr. Dicklich moved that the vote whereby H.F. No. 1839 was passed by the Senate on April 17, 1984, be now reconsidered. The motion prevailed.

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

Mr. Dicklich moved that the amendment made to H.F. No. 1839 by the Committee on Rules and Administration in the report adopted April 16, 1984, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1839 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 40 and nays 2, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Dicklich      | Knaak      | Moe, R. D.     | Schmitz   |
| Anderson    | Diessner      | Knutson    | Olson          | Sieloff   |
| Benson      | Dieterich     | Kronebusch | Pehler         | Solon     |
| Bertram     | Frank         | Laidig     | Peterson, D.C. | Storm     |
| Brataas     | Frederick     | Lantry     | Peterson, D.L. | Stumpf    |
| Chmielewski | Hughes        | McQuaid    | Petty          | Taylor    |
| Davis       | Johnson, D.E. | Mehrkins   | Pogemiller     | Ulland    |
| DeCramer    | Jude          | Merriam    | Ramstad        | Wegscheid |

Messrs. Isackson and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2046: A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; requiring the revisor of statutes to editorially change criminal fines in a manner consistent with 1983 regular session changes made in maximum authorized fines; amending Minnesota Statutes 1982, chapters 1, as amended; 16, as amended; 16A, as amended; 177, as amended; and 300, as amended; and Minnesota Statutes 1982, sections 10.39; 15.375; 80A.22, subdivision 1; 152.15, subdivision 1; 609.20; Minnesota Statutes 1983 Supplement, sections 609.21; 609.52, subdivision 3; 609.582; 617.246, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1982, sections 10.02; 10.03; 16A.02; 16A.04, subdivisions 2 and 3; 16A.07; 16A.08; 16A.125, subdivision 6; 16A.132; 16A.52; 16A.55; 16A.65, subdivision 3; and Minnesota Statutes 1983 Supplement, section 609.0341, subdivision 3.

Mr. Jude moved to amend S. F. No. 2046 as follows:

Pages 34 to 143, delete article 2

Amend the title as follows:

Page 1, line 10, delete “; 16, as amended”

The motion prevailed. So the amendment was adopted.

S.F. No. 2046 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 0, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Diessner      | Laidig     | Pehler         | Storm     |
| Anderson    | Dieterich     | Langseth   | Peterson, D.C. | Stumpf    |
| Belanger    | Frank         | Lantry     | Peterson, D.L. | Taylor    |
| Benson      | Hughes        | McQuaid    | Peterson, R.W. | Ulland    |
| Bertram     | Johnson, D.E. | Mehrkins   | Petty          | Wegscheid |
| Brataas     | Jude          | Merriam    | Ramstad        |           |
| Chmielewski | Kamrath       | Moe, D. M. | Schmitz        |           |
| Davis       | Knaak         | Novak      | Sieloff        |           |
| DeCramer    | Kronebusch    | Olson      | Solon          |           |

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

**SPECIAL ORDER**

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

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 43 and nays 0, as follows:

Those who voted in the affirmative were:

|             |           |            |                |           |
|-------------|-----------|------------|----------------|-----------|
| Adkins      | Diessner  | Kronebusch | Pehler         | Sieloff   |
| Anderson    | Dieterich | Laidig     | Peterson, C.C. | Solon     |
| Belanger    | Frank     | Langseth   | Peterson, D.C. | Storm     |
| Benson      | Frederick | Lantry     | Peterson, D.L. | Stumpf    |
| Bertram     | Hughes    | McQuaid    | Peterson, R.W. | Taylor    |
| Brataas     | Isackson  | Mehrkins   | Petty          | Ulland    |
| Chmielewski | Jude      | Merriam    | Ramstad        | Wegscheid |
| Davis       | Kamrath   | Moe, R. D. | Renneke        |           |
| DeCramer    | Knaak     | Olson      | Schmitz        |           |

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S.F. No. 1879: A bill for an act relating to agriculture; regulating the bulk sale of food; proposing new law coded in Minnesota Statutes, chapter 31.

Mr. Frederickson moved to amend S.F. No. 1879 as follows:

Page 3, line 24, before "*Manual*" insert "*Except in municipalities with less than 1,000 inhabitants, or in towns,*"

Page 3, line 26, after the period, insert "*Manual dispensing utensils and tethers in retail stores in municipalities with less than 1,000 inhabitants, or in towns, shall be cleaned and sanitized at frequent intervals based on the types of food and the food particle accumulation or soiling.*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 1879 as follows:

Page 4, delete section 10

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 27, as follows:

Those who voted in the affirmative were:

|             |          |                |         |           |
|-------------|----------|----------------|---------|-----------|
| Benson      | Isackson | Lantry         | Renneke | Wegscheid |
| Chmielewski | Kamrath  | Merriam        | Schmitz |           |
| Diessner    | Knaak    | Peterson, D.L. | Stumpf  |           |

Those who voted in the negative were:

|          |               |            |                |        |
|----------|---------------|------------|----------------|--------|
| Adkins   | DeCramer      | Laidig     | Peterson, D.C. | Spear  |
| Anderson | Dieterich     | Langseth   | Peterson, R.W. | Storm  |
| Belanger | Frederick     | McQuaid    | Petty          | Taylor |
| Bertram  | Johnson, D.E. | Mehrkins   | Ramstad        |        |
| Brataas  | Jude          | Moe, D. M. | Sieloff        |        |
| Davis    | Kronebusch    | Olson      | Solon          |        |

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

S.F. No. 1879 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 40 and nays 1, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Diessner      | Kronebusch | Olson          | Renneke   |
| Anderson    | Dieterich     | Laidig     | Pehler         | Sieloff   |
| Belanger    | Frederick     | Langseth   | Peterson, C.C. | Solon     |
| Benson      | Hughes        | Lantry     | Peterson, D.C. | Spear     |
| Bertram     | Isackson      | McQuaid    | Peterson, D.L. | Storm     |
| Chmielewski | Johnson, D.E. | Mehrkens   | Peterson, R.W. | Stumpf    |
| Davis       | Jude          | Merriam    | Petty          | Taylor    |
| DeCramer    | Knaak         | Moe, D. M. | Ramstad        | Wegscheid |

Mr. Kamrath voted in the negative.

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

### SPECIAL ORDER

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

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 36 and nays 3, as follows:

Those who voted in the affirmative were:

|             |           |            |                |           |
|-------------|-----------|------------|----------------|-----------|
| Anderson    | Diessner  | Kronebusch | Peterson, D.C. | Storm     |
| Belanger    | Dieterich | Laidig     | Peterson, D.L. | Stumpf    |
| Benson      | Frederick | Langseth   | Petty          | Taylor    |
| Bertram     | Hughes    | Lantry     | Renneke        | Wegscheid |
| Brataas     | Isackson  | McQuaid    | Schmitz        |           |
| Chmielewski | Jude      | Mehrkens   | Sieloff        |           |
| Davis       | Kamrath   | Olson      | Solon          |           |
| DeCramer    | Knaak     | Pehler     | Spear          |           |

Messrs. Merriam; Moe, D.M. and Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1371: A bill for an act relating to state government; providing for a day care center for state employees in the capitol complex; amending Minnesota Statutes 1982, section 16.02, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 0, as follows:

Those who voted in the affirmative were:

|             |                |            |                 |           |
|-------------|----------------|------------|-----------------|-----------|
| Adkins      | Dicklich       | Knaak      | Pehler          | Spear     |
| Anderson    | Diessner       | Kronebusch | Peterson, D. C. | Storm     |
| Belanger    | Dieterich      | Laidig     | Peterson, D. L. | Stumpf    |
| Benson      | Frederick      | Langseth   | Peterson, R. W. | Taylor    |
| Bertram     | Hughes         | Lantry     | Petty           | Wegscheid |
| Brataas     | Isackson       | McQuaid    | Ramstad         |           |
| Chmielewski | Johnson, D. E. | Mehrkens   | Renneke         |           |
| Davis       | Jude           | Merriam    | Schmitz         |           |
| DeCramer    | Kamrath        | Olson      | Sieloff         |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1032: A bill for an act relating to local improvements; permitting counties to assess for highway improvements within cities; amending Minnesota Statutes 1982, sections 429.011, subdivision 2a; and 429.061, 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 37 and nays 0, as follows:

Those who voted in the affirmative were:

|             |                |            |                 |           |
|-------------|----------------|------------|-----------------|-----------|
| Adkins      | Diessner       | Knaak      | Olson           | Sieloff   |
| Anderson    | Dieterich      | Kronebusch | Peterson, D. C. | Storm     |
| Belanger    | Frederick      | Laidig     | Peterson, D. L. | Stumpf    |
| Benson      | Hughes         | Langseth   | Peterson, R. W. | Taylor    |
| Bertram     | Isackson       | Lantry     | Petty           | Wegscheid |
| Brataas     | Johnson, D. E. | McQuaid    | Ramstad         |           |
| Chmielewski | Jude           | Mehrkens   | Renneke         |           |
| Davis       | Kamrath        | Merriam    | Schmitz         |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | DeCramer      | Jude       | McQuaid        | Renneke   |
| Anderson    | Diessner      | Kamrath    | Mehrkins       | Schmitz   |
| Belanger    | Dieterich     | Knaak      | Merriam        | Sietloff  |
| Benson      | Frederick     | Kronebusch | Olson          | Storm     |
| Bertram     | Freeman       | Laidig     | Peterson, D.C. | Stumpf    |
| Brataas     | Hughes        | Langseth   | Peterson, D.L. | Taylor    |
| Chmielewski | Isackson      | Lantry     | Petty          | Wegscheid |
| Davis       | Johnson, D.E. | Lessard    | Ramstad        |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 1903: A bill for an act relating to communications; deregulating radio common carriers; amending Minnesota Statutes 1982, section 237.01, subdivision 2, and by adding a subdivision.

Mr. Dieterich moved to amend S.F. No. 1903 as follows:

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 1982, section 237.01, is amended by adding a subdivision to read:

*Subd. 5. [CELLULAR RADIO.] A radio common carrier does not include a person, firm, association, or corporation providing these or similar services by means of the technology known as cellular radio.*

Sec. 4. [REPEALER.]

*Section 3 is repealed effective June 1, 1985."*

Amend the title as follows:

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

The motion prevailed. So the amendment was adopted.

S.F. No. 1903 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 39 and nays 3, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | Davis         | Jude       | Moe, R. D.     | Sietloff  |
| Anderson    | DeCramer      | Kronebusch | Olson          | Solon     |
| Belanger    | Diessner      | Laidig     | Peterson, D.C. | Storm     |
| Benson      | Dieterich     | Lantry     | Peterson, D.L. | Stumpf    |
| Bernhagen   | Frederick     | Lessard    | Petty          | Taylor    |
| Bertram     | Freeman       | McQuaid    | Ramstad        | Ulland    |
| Brataas     | Hughes        | Mehrkins   | Renneke        | Wegscheid |
| Chmielewski | Johnson, D.E. | Merriam    | Schmitz        |           |

Messrs. Isackson, Kamrath and Knaak voted in the negative.

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

## SPECIAL ORDER

S.F. No. 1298: A bill for an act relating to local government; providing procedures for the publication of legal notices; removing various requirements for publication of notices; amending Minnesota Statutes 1982, sections 3.21; 48.48, subdivision 1; 88.48, subdivision 2; 94.10, subdivision 1; 94.344, subdivision 7; 123.33, subdivision 11; 123.71, subdivision 1; 206.17, subdivision 2; 279.07; 279.08; 300.13, subdivision 4; 302A.727, subdivision 1; 306.023, subdivision 2; 306.111, subdivision 2; 306.16, subdivision 2; 306.21, subdivision 1; 307.06; 315.25; 326.18; 346.02; 370.04; 370.07; 371.04; 372.02; 372.08; 374.13; 374.34; 375.025, subdivision 4; 375.12; 375.17; 375.51, subdivision 3; 375.52; 383A.27, subdivision 2; 412.191, subdivisions 3 and 4; 414.09, subdivision 3; 415.021; 429.061, subdivision 2; 430.02, subdivisions 3, 7, 11, and 12; 430.04; 430.07, subdivision 5; 430.102, subdivision 3; 435.202, subdivision 2; 441.04; 462.427, subdivision 3; 465.32; 465.38; 471.697, subdivision 1; 471.698, subdivision 1; 472.04, subdivision 2; and 484.30; proposing new law coded in Minnesota Statutes, chapters 375 and 471; proposing new law coded as Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 1982, sections 55.09; 331.01; 331.02; 331.03; 331.04; 331.05; 331.06; 331.07; 331.08; 331.10; 331.11; and 441.51.

Mr. Freeman moved to amend S.F. No. 1298 as follows:

Page 22, line 30, after the period, insert "*The affidavit must also include the publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to section 25, the maximum charge allowable by law for the publication of the specific legal or official matter in question, and the rate actually charged for that publication.*"

The motion prevailed. So the amendment was adopted.

Mr. Freeman then moved to amend S.F. No. 1298 as follows:

Page 34, line 27, after the period, insert "*As an alternative to publication, the city may mail, at city expense, a copy of the proceedings to any resident upon request.*"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S.F. No. 1298 as follows:

Page 54, line 27, delete everything after "effective"

Page 54, delete line 28

Page 54, line 29, delete everything before "July"

The motion prevailed. So the amendment was adopted.

S.F. No. 1298 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 37 and nays 20, as follows:

Those who voted in the affirmative were:



|             |          |            |                 |           |
|-------------|----------|------------|-----------------|-----------|
| Adkins      | Dicklich | Kronebusch | Novak           | Sietloff  |
| Berglin     | Diessner | Laidig     | Olson           | Solon     |
| Bernhagen   | Freeman  | Langseth   | Peterson, C. C. | Stumpf    |
| Bertram     | Isackson | Lessard    | Peterson, D. C. | Ulland    |
| Chmielewski | Jude     | Luther     | Pogemiller      | Wegscheid |
| Dahl        | Kamrath  | McQuaid    | Purfeerst       |           |
| Davis       | Knaak    | Moe, D. M. | Renneke         |           |
| DeCramer    | Kroening | Moe, R. D. | Schmitz         |           |

Those who voted in the negative were:

|          |              |               |                 |         |
|----------|--------------|---------------|-----------------|---------|
| Anderson | Dieterich    | Johnson, D.E. | Pehler          | Ramstad |
| Belanger | Frank        | Lantry        | Peterson, D. L. | Spear   |
| Benson   | Frederick    | Mehrkens      | Peterson, R. W. | Storm   |
| Brataas  | Frederickson | Merriam       | Petty           | Taylor  |

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

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 311: A bill for an act relating to public welfare; requiring licensure for adult day care facilities; amending Minnesota Statutes 1982, sections 245.782, subdivisions 2, 5, and by adding a subdivision; 245.783, by adding a subdivision; 245.791; 245.802, by adding a subdivision.

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

Brandl, Greenfield and Onnen.

Senate File No. 311 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 1984

Mr. President:

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

S.F. No. 147: A bill for an act relating to retirement; employee and employer contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.92, subdivisions 1 and 2.

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

Sarna; Clawson; Rodriguez, F.; Wigley and Metzen.

Senate File No. 147 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 1984

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1466:

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

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Clawson, Halberg and Cohen have been appointed as such committee on the part of the House.

House File No. 1466 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 17, 1984

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1466, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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. 1258: A bill for an act relating to the environment; requiring an agreement between the state and federal government prior to test drilling of geologic structures for disposal of high level radioactive waste and notification of results; regulating transportation of high level radioactive waste in the state; providing penalties; regulating nuclear fission electric generating plants in Minnesota; amending Minnesota Statutes 1982, section 116C.71, by adding subdivisions; and 116C.74; proposing new law coded in Minnesota Statutes, chapters 116C and 216B.

Senate File No. 1258 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 1984

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 1258, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the

House. The motion prevailed.

### 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. 1466: Messrs. Merriam, Freeman and Johnson, D.E.

S.F. No. 1258: Messrs. Merriam; Moe, D.M. and Ulland.

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

### CALL OF THE SENATE

Mr. Wegscheid imposed a call of the Senate for the proceedings on S.F. Nos. 1880 and 1842. The Sergeant at Arms was instructed to bring in the absent members.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegscheid moved that S.F. No. 1880 be taken from the table. The motion prevailed.

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. Wegscheid moved to amend S.F. No. 1880 as follows:

Page 1, lines 13 to 15, delete the new language

Page 1, line 13, after "county" insert "*or a county housing and redevelopment authority established pursuant to chapter 462 or special law*"

Page 1, line 15, after "city" insert "*or county housing and redevelopment authority*"

Page 1, line 16, after "plans" insert "*prepared by or at the request of the county board and*"

Page 2, line 1, delete "*redevelopment agency*" and insert "*county housing and redevelopment authority*"

Page 2, lines 29 to 31, delete the new language and insert "*or with the approval of the board of county commissioners of each cooperating county a county housing and redevelopment authority established pursuant to chapter 462 or special law*"

The motion prevailed. So the amendment was 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 37 and nays 25, as follows:

Those who voted in the affirmative were:

|           |               |                |            |           |
|-----------|---------------|----------------|------------|-----------|
| Adkins    | Freeman       | Luther         | Pogemiller | Storm     |
| Berglin   | Hughes        | McQuaid        | Ramstad    | Ulland    |
| Bernhagen | Johnson, D.J. | Moe, R. D.     | Reichgott  | Vega      |
| Bertram   | Knaak         | Olson          | Samuelson  | Wegscheid |
| Davis     | Kroening      | Pehler         | Schmitz    | Willett   |
| DeCramer  | Laidig        | Peterson, C.C. | Sieloff    |           |
| Dicklich  | Langseth      | Peterson, D.C. | Solon      |           |
| Frederick | Lantry        | Petty          | Spear      |           |

Those who voted in the negative were:

|             |              |               |            |                |
|-------------|--------------|---------------|------------|----------------|
| Anderson    | Dahl         | Isackson      | Lessard    | Peterson, D.L. |
| Belanger    | Diessner     | Johnson, D.E. | Mehrkens   | Peterson, R.W. |
| Benson      | Dieterich    | Jude          | Merriam    | Renneke        |
| Brataas     | Frank        | Kamrath       | Moe, D. M. | Stumpf         |
| Chmielewski | Frederickson | Kronebusch    | Novak      | Taylor         |

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby S.F. No. 1842 was passed by the Senate on April 17, 1984, be now reconsidered. The motion prevailed.

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

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 47 and nays 15, as follows:

Those who voted in the affirmative were:

|             |               |            |                |           |
|-------------|---------------|------------|----------------|-----------|
| Adkins      | DeCramer      | Jude       | Olson          | Solon     |
| Anderson    | Dicklich      | Kamrath    | Pehler         | Storm     |
| Belanger    | Diessner      | Knaak      | Peterson, C.C. | Stumpf    |
| Benson      | Frederick     | Kronebusch | Peterson, D.L. | Taylor    |
| Bernhagen   | Frederickson  | Laidig     | Peterson, R.W. | Ulland    |
| Bertram     | Freeman       | Langseth   | Ramstad        | Wegscheid |
| Brataas     | Hughes        | Lessard    | Renneke        | Willett   |
| Chmielewski | Isackson      | McQuaid    | Samuelson      |           |
| Dahl        | Johnson, D.E. | Mehrkens   | Schmitz        |           |
| Davis       | Johnson, D.J. | Moe, R. D. | Sieloff        |           |

Those who voted in the negative were:

|           |          |            |                |            |
|-----------|----------|------------|----------------|------------|
| Berglin   | Kroening | Merriam    | Novak          | Pogemiller |
| Dieterich | Lantry   | Moe, D. M. | Peterson, D.C. | Spear      |
| Frank     | Luther   | Nelson     | Petty          | Waldorf    |

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Moe, D.M. moved that Senate Concurrent Resolution No. 18 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 18: 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.

Mr. Moe, D.M. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

**MEMBERS EXCUSED**

Mr. Pogemiller was excused from the Session of today from 9:30 to 12:00 noon and from 7:30 to 11:00 p.m. Mr. Wegscheid was excused from the Session of today from 10:00 to 11:30 a.m. Mr. Hughes was excused from the Session of today from 11:30 a.m. to 12:00 noon. Mr. Lessard was excused from the Session of today from 1:10 to 1:50 p.m. and from 7:30 to 11:00 p.m. Mrs. Lantry, Messrs. Solon, Schmitz and Dahl were excused from the Session of today at 1:30 p.m. Mr. Johnson, D.J. was excused from the Session of today at 3:30 p.m. Mr. Storm was excused from the Session of today from 5:00 to 7:15 p.m. Ms. Reichgott was excused from the Session of today from 4:15 to 4:45 p.m. Mr. Belanger was excused from the Session of today from 7:30 to 10:30 p.m. Mr. Dahl was excused from the Session of today at 7:30 p.m. Mr. Berg was excused from the Session of today from 8:45 p.m. to 12:10 a.m. Mr. Purfeerst was excused from the Session of today at 9:30 p.m. Mr. Frank was excused from the Session of today from 10:30 to 11:30 p.m. Mr. Nelson was excused from the Session of today from 7:30 p.m. to 12:10 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 18, 1984. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate