

## EIGHTY-THIRD DAY

St. Paul, Minnesota, Friday, April 20, 1984

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

### CALL OF THE SENATE

Mr. Luther 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. M.E. Sandness.

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.

Without objection, the Senate proceeded to the Order of Business of Motions and Resolutions.

### MOTIONS AND RESOLUTIONS

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

H.F. No. 1949: A bill for an act relating to insurance; automobile; requiring a premium reduction for certain persons who complete an accident prevention course; proposing new law coded in Minnesota Statutes, chapter 65B.

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	Frederick	Laidig	Peterson, C.C.	Schmitz
Belanger	Frederickson	Langseth	Peterson, D.C.	Solon
Benson	Hughes	Lantry	Peterson, D.L.	Spear
Berg	Isackson	Lessard	Peterson, R.W.	Storm
Bernhagen	Johnson, D.E.	McQuaid	Petty	Stumpf
Bertram	Johnson, D.J.	Mehrrens	Pogemiller	Ulland
Brataas	Jude	Moe, R. D.	Purfeerst	Waldorf
DeCramer	Kamrath	Nelson	Ramstad	Wegscheid
Dicklich	Knaak	Novak	Reichgott	Willet
Diessner	Kroening	Olson	Renneke	
Frank	Kronebusch	Pehler	Samuelson	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 2017: A bill for an act relating to the metropolitan waste control commission; establishing positions in the unclassified civil service; amending Minnesota Statutes 1982, section 473.503.

Mr. Wegscheid moved to amend S. F. No. 2017 as follows:

Page 1, line 15, before "*The*" insert "*Upon approval of*" and after "*commission*" insert "*, the chair*" and delete "*establish in*" and insert "*appoint persons to*" and delete "*service the*"

Page 1, line 21, delete "*board*" and insert "*commission*"

Page 1, line 25, delete everything after the period

Page 2, delete lines 1 to 3 and insert "*Persons serving in classified positions subordinate to these unclassified positions shall be supervised by, and report directly to, the internal auditor, general counsel, or policy analyst, as appropriate.*"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Adkins	Dieterich	Moe, D. M.	Petty	Stumpf
Berglin	Hughes	Moe, R. D.	Pogemiller	Waldorf
Bertram	Johnson, D.J.	Nelson	Purfeerst	Wegscheid
Chmielewski	Jude	Novak	Reichgott	Willet
Davis	Langseth	Pehler	Samuelson	
DeCramer	Lantry	Peterson, C.C.	Schmitz	
Dicklich	Lessard	Peterson, D.C.	Solon	
Diessner	Luther	Peterson, R.W.	Spear	

Those who voted in the negative were:

Anderson	Brataas	Isackson	Laidig	Ramstad
Belanger	Dahl	Johnson, D.E.	McQuaid	Renneke
Benson	Frank	Kamrath	Mehrrens	Storm
Berg	Frederick	Knaak	Olson	Ulland
Bernhagen	Frederickson	Kronebusch	Peterson, D.L.	

The motion prevailed. So the amendment was adopted.

Mr. Moe, D.M. moved to amend S.F. No. 2017 as follows:

Page 1, line 22, delete "The"

Page 1, delete lines 23 and 24

Page 1, line 25, delete everything before "The"

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 2017 as follows:

Page 1, line 16, delete "positions" and insert "position" and delete everything after "auditor"

Page 1, line 17, delete "analyst" and delete everything after the period

Page 1, line 18, delete everything before "Decisions" and insert "The person appointed to this position shall be accountable to the governor."

Page 1, line 20, delete "these positions" and insert "the position" and delete "chair" and insert "commission"

Page 1, line 21, delete "upon approval of the commission" and insert "and approved by the chair"

Page 1, line 25, delete everything after the period

Page 2, delete lines 1 to 3 and insert "Notwithstanding any law to the contrary, the chair of the commission shall be a full-time position."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing that the chair is a full-time position;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 39, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Ulland moved to amend S.F. No. 2017 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1982, section 168.33, subdivision 2, is

amended to read:

Subd. 2. [POWERS.] The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this chapter. As of April 14, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

Effective August 1, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle license as provided in section 373.32. Any person appointed by the registrar as a deputy registrar for any city shall be a resident of the county in which the city is situated.

The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. The auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each city or any other person as a deputy registrar as public interest and convenience may require, regardless of his county of residence. Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor shall be responsible for the acts of deputy registrars appointed by him. Each such deputy, before entering upon the discharge of his duties, shall take and subscribe an oath to faithfully discharge his duties and to uphold the laws of the state. If a deputy registrar appointed hereunder is not an officer or employee of a county or city, such deputy shall in addition give bond to the state in the sum of \$10,000, or such larger sum as may be required by the registrar, conditioned upon the faithful discharge of his duties as deputy registrar. *Notwithstanding any law to the contrary, including a provision in a bill styled as H.F. No. 2317, a corporation organized under chapter 302A may not be appointed a deputy registrar.* Each deputy registrar appointed hereunder shall keep and maintain, in a convenient public place within the place for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records and make such reports to the registrar as that officer, from time to time, may require. Such records shall be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar shall at all times be open to the inspection of the registrar or his agents. He shall report daily to the registrar all registrations made and taxes and fees collected by him. The filing fee imposed pursuant to subdivision 7 shall be deposited in the treasury of the place for which he is ap-

pointed, or if such deputy is not a public official, he shall retain the filing fee, but the registration tax and any additional fees for delayed registration he has collected he shall deposit each day in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body shall provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if such deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "metropolitan waste control commission" and insert "public employees"

Page 1, line 4, delete "section" and insert "sections 168.33, subdivision 2, and"

Mr. Wegscheid questioned whether the amendment was germane.

The President ruled the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Knaak	Olson	Storm
Belanger	Frank	Knutson	Peterson, D. L.	Taylor
Benson	Frederick	Kronebusch	Peterson, R. W.	Ulland
Berg	Frederickson	Laidig	Ramstad	
Berglin	Isackson	McQuaid	Renneke	
Bernhagen	Johnson, D. E.	Mehrkens	Sieloff	
Brataas	Kamrath	Merriam	Spear	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, C. C.	Schmitz
Bertram	Freeman	Luther	Peterson, D. C.	Stumpf
Chmielewski	Hughes	Moe, D. M.	Petty	Vega
Dahl	Johnson, D. J.	Moe, R. D.	Pogemiller	Waldorf
Davis	Jude	Nelson	Purfeerst	Wegscheid
DeCramer	Kroening	Novak	Reichgott	Willet
Dicklich	Langseth	Pehler	Samuelson	

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

S.F. No. 2017 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 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

### SPECIAL ORDER

H.F. No. 994: A bill for an act relating to mediation; providing for mediation of disputes; amending Minnesota Statutes 1982, section 595.02; proposing new law coded in Minnesota Statutes, chapter 572.

Mr. Luther moved to amend H.F. No. 994, as amended pursuant to Rule 49, adopted by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 966.)

Page 1, line 13, delete "6" and insert "7"

Page 1, after line 18, insert:

*"Subd. 3. [AGREEMENT TO MEDIATE.] 'Agreement to mediate' means a written agreement which identifies a controversy between the parties to the agreement, states that the parties will seek to resolve the controversy through mediation, provides for termination of mediation upon written notice from either party or the mediator delivered by certified mail or personally to the other people who signed the agreement, is signed by the parties and mediator and is dated."*

Renumber the subdivisions in sequence

Page 2, line 4, delete "to the contrary" and insert "stating that it is binding" and after "and" insert "a provision stating substantially that"

Page 2, line 11, after "ASIDE" insert "OR REFORMING"

Page 2, line 13, delete "the" and insert "a" and after "court" insert "of competent jurisdiction" and after "aside" insert "or reform"

Page 2, line 15, delete "setting aside a contract" and insert "contracts"

Page 2, line 17, delete "The fact"

Page 2, line 18, delete "was such that it"

Page 2, line 19, after "aside" insert "or reforming"

Page 2, line 24, delete "termination of the mediation" and insert "20 days after notice of termination of mediation is delivered by certified mail or personally delivered as provided in the agreement to mediate"

Page 2, delete lines 30 to 36

Page 6, line 16, delete "No one can" and insert "A person cannot"

Page 6, line 19, delete "restriction"

Page 6, line 20, after "settlement" insert "agreement"

Page 6, line 22, delete "used in the" and insert "of this paragraph"

Page 6, delete line 23

Page 6, line 24, delete everything before the period, and delete "*in addition*"

Page 6, line 25, delete "*to and*" and delete "*in limitation of*" and insert "*intended to limit*"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Luther then moved to amend H.F. No. 994, as amended pursuant to Rule 49, adopted by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 966.)

Page 2, line 2, delete "*a*"

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

Page 2, line 7, after "*may*" insert "*adversely*"

Page 2, line 8, delete "*consider*"

Page 2, line 9, delete "*consulting with a lawyer*" and insert "*consult an attorney*"

Page 2, line 10, before the period, insert "*if they are uncertain of their rights*"

Page 2, line 13, delete "*Upon application of a party*" and insert "*In any action*"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 994, as amended pursuant to Rule 49, adopted by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 966.)

Page 1, lines 10 and 13, delete "*6*" and insert "*7*"

Page 2, after line 20, insert:

"Sec. 5. [527.37] [PRESENTATION OF MEDIATOR TO PUBLIC.]

*No individual may act as a mediator pursuant to the Minnesota Civil Mediation Act for compensation without providing the individuals to the conflict with a written statement of his qualifications prior to beginning mediation. The statement shall describe his educational background and relevant training and experience in the field.*

*Nothing in this section shall limit the pursuits of professionals consistent with their training and code of ethics; nor shall this section apply to service provided through a governmental agency. The requirement of this section may be satisfied by a nonprofit corporation on behalf of its service providers by providing a statement of the education, training, and experience requirements for eligibility on its mediation panel.*

*A person who violates this section is guilty of a petty misdemeanor."*

Page 2, line 31, delete "*6*" and insert "*7*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing penalties;"

The motion prevailed. So the amendment was adopted.

H.F. No. 994 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	Dicklich	Kroening	Pehler	Sieloff
Anderson	Diessner	Kronebusch	Peterson, D.C.	Solon
Belanger	Frank	Laidig	Peterson, D.L.	Spear
Benson	Frederick	Langseth	Peterson, R.W.	Storm
Berg	Freeman	Lantry	Petty	Stumpf
Bernhagen	Hughes	Lessard	Pogemiller	Taylor
Bertram	Isackson	Luther	Purfeerst	Ulland
Brataas	Johnson, D.E.	McQuaid	Ramstad	Waldorf
Chmielewski	Jude	Merriam	Reichgott	
Dahl	Kamrath	Moe, D. M.	Renneke	
Davis	Knaak	Nelson	Samuelson	
DeCramer	Knutson	Olson	Schmitz	

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

### SPECIAL ORDER

H.F. No. 1961: A bill for an act relating to state departments and agencies; changing the composition and powers of the board of private detective and protective agent services; changing requirements for obtaining a license; amending Minnesota Statutes 1982, sections 326.33; 326.331; 326.332, subdivision 1; and 326.333; repealing Minnesota Statutes 1982, section 299C.01, subdivision 3.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1991: A bill for an act relating to government operations; regu-



lating public employee leave of absences; providing for task force member's compensation; providing for civil service exams for handicapped persons; authorizing the commissioner of employee relations to negotiate insurance premium rates; providing for appeals of disciplinary actions; providing for unclassified positions; changing the definition of registered combined charitable organization; amending Minnesota Statutes 1982, sections 15.014, subdivision 2; 15.0593; 15.62, subdivision 2; 43A.08, subdivision 1; 43A.33, subdivisions 1 and 3; Minnesota Statutes 1983 Supplement, sections 43A.08, subdivision 1a; 43A.10, subdivision 8; 43A.23, subdivision 1; 116L.03, subdivision 6; and 309.501, subdivision 1.

Mr. Jude moved to amend H.F. No. 1991, as amended pursuant to Rule 49, adopted by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 2084.)

Pages 1 to 5, delete sections 1 to 4

Pages 7 and 8, delete sections 7 and 8

Pages 9 and 10, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

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

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete "disciplinary actions;"

Page 1, line 9, delete everything after the semicolon

Page 1, line 10, delete everything before "amending"

Page 1, line 11, delete everything after "1982," and insert "section"

Page 1, line 12, delete "15.0593;" and delete "43A.08, subdivision 1;"

Page 1, line 13, delete "43A.33, subdivisions 1 and 3;"

Page 1, line 14, delete "43A.08, subdivision 1a;"

Page 1, line 15, after the second semicolon, insert "and"

Page 1, line 16, delete "and 309.501, subdivision 1"

The motion prevailed. So the amendment was adopted.

Mr. Jude then moved to amend H.F. No. 1991, as amended pursuant to Rule 49, adopted by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 2084.)

Page 9, after line 34, insert:

"Sec. 4. Minnesota Statutes 1982, section 192A.325, is amended to read:  
192A.325 [GENERAL COURT-MARTIAL RECORDS.]

The convening authority shall refer the record of each general court-martial to the ~~staff~~ state judge advocate, who shall submit his written opinion thereon

to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

Sec. 5. Minnesota Statutes 1982, section 192A.345, subdivision 2, is amended to read:

Subd. 2. ~~In all other cases not covered by subdivision 1, if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, The entire record of all court-martial proceedings shall be sent to the appropriate staff judge advocate of the state force concerned to be reviewed as may be prescribed under regulations prescribed by the governor in the same manner as a record of trial by general court-martial. The record and the opinion of the staff judge advocate shall then be sent to the state judge advocate for review.~~

Sec. 6. Minnesota Statutes 1982, section 192A.345, subdivision 8, is amended to read:

Subd. 8. The state judge advocate may, *and if requested by the accused, shall order one or more boards courts of military review* each composed of not less than three commissioned officers of the state military forces, *active or retired*, each of whom must be a member of the bar of the highest court of the state *and shall have served not less than three years as a judge advocate.* Each ~~board court of military review~~ shall review the record of any trial by ~~special court-martial, including a sentence to a bad conduct discharge,~~ referred to it by the state judge advocate *which referral shall be made if requested by the accused.* ~~Boards Courts of military review~~ have the same authority on review as the state judge advocate has under this section.

Sec. 7. Minnesota Statutes 1982, section 192A.612, is amended to read:

#### 192A.612 [SEARCH WARRANTS.]

During ~~annual field training~~ *any period of active service under Minnesota Statutes, section 190.05, subdivision 5a or 5b,* a military judge, designated as the summary court officer during such ~~duty~~ *service*, is authorized to issue search warrants, directed to a member of the military police of the state military forces, to search any person, place, or vehicle within the confines of the property or premises being used for such ~~field training~~ *active service* or any person or vehicle pursued therefrom. No search warrant shall be issued except upon probable cause, supported by affidavit or sworn testimony naming and describing the person and particularly describing the property or thing to be seized and particularly describing the place to be searched."

Page 10, after line 20, insert:

"Sec. 9. [REPEALER.]

*Minnesota Statutes 1982, section 192A.345, subdivisions 1 and 3, are repealed."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "modifying the appeal of court-martial proceedings for employees in the state military forces;"

Page 1, line 12, after the semicolon, insert "192A.325; 192A.345, subdivisions 2 and 8; 192A.612;"

Page 1, line 16, before the period, insert "repealing Minnesota Statutes 1982, section 192A.345, subdivisions 1 and 3"

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend H.F. No. 1991, as amended pursuant to Rule 49, adopted by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 2084.)

Page 9, after line 4, insert:

"Sec. 10. Minnesota Statutes 1982, section 126.10, is amended to read:

126.10 [SPECIAL DAYS.]

The following days or the school days nearest to them are designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Ericson Day, ~~January 15 as Martin Luther King, Jr. Day,~~ and February 15 as Susan B. Anthony Day. On these days schools may offer instruction and programs in commemoration of the life and history of the respective persons and the principles and ideals they fostered.

Sec. 11. Minnesota Statutes 1982, section 126.13, is amended to read:

126.13 [CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.]

The governing body of any district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: *Martin Luther King's birthday*, Lincoln's and Washington's birthdays, Columbus Day and Veterans' Day, provided that on *Martin Luther King's birthday*, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program be devoted to a patriotic observance of the day.

Sec. 12. Minnesota Statutes 1982, section 136.22, is amended to read:

136.22 [CLASSES ON HOLIDAYS.]

The state university board is hereby authorized to conduct classes in the several state colleges on either or any of the following holidays: *Martin Luther King's Birthday*, Lincoln's Birthday, Washington's Birthday, Columbus Day, and Veterans Day, provided that when classes are held on *Martin Luther King's Birthday*, Washington's Birthday, Lincoln's Birthday, or Veterans Day, that at least one hour of the school day be devoted to a patriotic observance of that day."

Page 10, after line 7, insert:

"Sec. 14. Minnesota Statutes 1982, section 645.44, subdivision 5, is amended to read:

Subd. 5. [HOLIDAYS.] "Holiday" includes New Year's Day, January 1; *Martin Luther King's birthday*, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the

last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Christopher Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25; provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and, provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. No public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon. However, for the executive branch of the state of Minnesota, "holiday" also includes the Friday after Thanksgiving but does not include Christopher Columbus Day. Other branches of state government and political subdivisions shall have the option of determining whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. Where it is determined that Columbus Day or the Friday after Thanksgiving is not a holiday, public business may be conducted thereon.

Any agreement between a public employer and an employee organization citing Veterans Day as the fourth Monday in October shall be amended to cite Veterans Day as November 11."

Page 10, after line 20, insert:

"Sec. 16. [EFFECTIVE DATE.]

*Sections 10, 11, 12, and 14, establishing a Martin Luther King holiday, are effective January 1, 1986."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "establishing Martin Luther King's birthday as a holiday; allowing school districts and state colleges to conduct classes on Martin Luther King's birthday provided there is a patriotic observance of the day;"

Page 1, line 13, after "3;" insert "126.10; 126.13; 136.22; 645.44, subdivision 5;"

Mr. Willet questioned whether the amendment was germane.

The President ruled the amendment was not germane.

Mr. Moe, D.M. appealed the ruling of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Nelson	Samuelson
Anderson	Davis	Knutson	Pehler	Schmitz
Belanger	DeCramer	Langseth	Peterson, C.C.	Sieloff
Benson	Diessner	Lantry	Peterson, D.L.	Solon
Berg	Frank	Luther	Peterson, R.W.	Storm
Bernhagen	Frederick	McQuaid	Petty	Stumpf
Bertram	Freeman	Mehrkens	Purfeerst	Waldorf
Brataas	Hughes	Merriam	Ramstad	Wegscheid
Chmielewski	Isackson	Moe, R. D.	Renneke	Willet

Those who voted in the negative were:

Berglin  
Dicklich

Jude  
Knaak

Kroening  
Laidig

Moe, D. M.  
Pogemiller

Spear  
Ulland

The decision of the President was sustained.

H.F. No. 1991 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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	Waldorf
Brataas	Johnson, D. E.	Mehrkens	Purfeerst	Wegscheid
Chmielewski	Johnson, D. J.	Merriam	Ramstad	Willet
Dahl	Jude	Moe, D. M.	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

So the bill, as amended, 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.

## 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. 229: Messrs. Spear, Merriam and Sieloff.

S.F. No. 1349: Messrs. Spear, Dieterich, Storm, Novak and Waldorf.

Mr. Moe, R.D. moved that the foregoing appointments be approved. 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, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

## 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. 1843: A bill for an act relating to courts; providing for the appointment of chief judge and assistant chief judge for each judicial district; clarifying the administrative authority of the chief judge; amending Minnesota Statutes 1982, section 484.69, subdivisions 1 and 3.

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

Clawson, Cohen and Halberg.

Senate File No. 1843 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 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. 1628: A bill for an act relating to public welfare; setting licensing, planning and zoning provisions with respect to licensed residential and day care facilities; providing that certain facilities are permitted multi-family uses; allowing municipalities to require conditional use permits for certain other facilities; requiring counties to engage in planning to promote dispersal of residential facilities; providing that certain facilities are permitted single family uses; amending Minnesota Statutes 1982, sections 245.783, by adding a subdivision; 245.812, subdivisions 3, 4 and 7, and by adding a subdivision; and 462.357, subdivisions 7, 8, and by adding a subdivision.

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

Greenfield, Eliooff and Boo.

Senate File No. 1628 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 147, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

Senate File No. 147 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 311, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

Senate File No. 311 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1984

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1760, and repassed said bill in accordance with the report of the Committee, so adopted.

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 20, 1984

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1750, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1984

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 751, 1815, 1973, 1849 and 1913.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1984

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1469, 1821, 1826, 2072, 887, 1776, 1978, 1879, 2164, 2165, 1435, 1451, 1492, 1662, 1903, 1974, 1842, 1862, 1575, 1813, 1365, 1466, 1883, 1337, 1498, 1683, 1790 and 1789.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 531, 1243, 2109 and 2083.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1984

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1994.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1984

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2134 and 2289.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1984

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1994: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing new law coded as Minnesota Statutes, chapter 480B.

Mr. Pogemiller moved that H.F. No. 1994 be laid on the table. The motion



prevailed.

H.F. No. 2134: A resolution memorializing the governments of the United States and the Federal Republic of Germany that the State of Minnesota adopts the Land of Bayern as a sister state.

Mr. Wegscheid moved that H.F. No. 2134 be laid on the table. The motion prevailed.

H.F. No. 2289: A resolution memorializing the President and Congress of the United States to adopt on an emergency basis a public policy of preserving the family farm as an invaluable natural resource.

Referred to the Committee on Agriculture and Natural Resources.

### **REPORTS OF COMMITTEES**

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

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

S.F. No. 1643: A resolution memorializing the governments of the United States and the Federal Republic of Germany that the State of Minnesota adopts the Land of Bayern as a sister state.

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 referred

Senate Concurrent Resolution No. 17: A Senate concurrent resolution proclaiming Bud Grant Day in Minnesota and encouraging public recognition of Bud Grant's contribution to Minnesota.

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

### **SECOND READING OF SENATE BILLS**

S.F. No. 1643 was read the second time.

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

S.F. No. 1762 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 1762**

A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivision 3; 363.071, by adding a subdivision; 363.116; 363.14,

subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071, subdivision 2; and 363.072, subdivision 1; proposing new law coded in chapter 363.

April 19, 1984

The Honorable Jerome M. Hughes  
President of the Senate

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

We, the undersigned conferees for S.F. No. 1762, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S.F. No. 1762 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [363.031] [WAIVER PROHIBITED.]

*Any provision, whether oral or written, of a lease, contract, or other agreement or instrument, which purports to be a waiver by an individual of any right or remedy provided in chapter 363 is contrary to public policy and void. Nothing in this section shall be construed to prevent a waiver given in full and final written settlement of an existing, identified claim, whether by grievance, mediation, arbitration, or other settlement agreement.*

Sec. 2. Minnesota Statutes 1982, section 363.06, subdivision 3, is amended to read:

Subd. 3. [TIME FOR FILING CLAIM.] A claim of an unfair discriminatory practice must be brought as a civil action pursuant to section 363.14, subdivision 1, clause (a), *filed in a charge with a local commission pursuant to section 363.116, or filed in a charge with the commissioner within ~~six months~~ 300 days after the occurrence of the practice. The running of the 300 day limitation period is suspended during the time a potential charging party and respondent are voluntarily engaged in a dispute resolution process involving a claim of unlawful discrimination under chapter 363, including arbitration, conciliation, mediation or grievance procedures pursuant to a collective bargaining agreement or statutory, charter, or ordinance provisions for a civil service or other employment system. A potential respondent who participates in such a process with a potential charging party before a charge is filed or a civil action is brought shall notify the department and the charging party in writing of his or her participation in the process and the date the process commenced, and shall also notify the department and the charging party of the ending date of the process. A respondent who fails to provide this notification is barred from raising the defense that the statute of limitations has run unless the 300 days plus a period of time equal to the suspension period has passed.*

Sec. 3. Minnesota Statutes 1983 Supplement, section 363.06, subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) Consistent with clause (7), the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when necessary

to prevent a charging party from suffering irreparable loss in the absence of immediate action a charge alleges actual or threatened physical violence. The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges.

*The commissioner shall then give priority to investigating and processing those charges which the commissioner determines have one or more of the following characteristics:*

*(a) there is evidence that the respondent has intentionally engaged in a reprisal;*

*(b) there is evidence of irreparable harm if immediate action is not taken;*

*(c) there is potential for broadly promoting the policies of this chapter;*

*(d) a significant number of recent charges have been filed against the respondent;*

*(e) the respondent is a government entity;*

*(f) the charge is supported by substantial documentation, witnesses, or other evidence.*

*The commissioner shall inform charging parties of these priorities and shall tell each party if their charge is a priority case or not.*

On other charges the commissioner shall make a determination within 12 months after the charge was filed as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(2) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to the court of appeals pursuant to section 363.072 or sections 14.63 to 14.68.

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuc-

cessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(4) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(5) If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

(6) In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date ~~six months~~ 300 days prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine which charges are processed and the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

*(8) The hearing examiner shall adopt policies to provide sanctions for intentional and frivolous delay caused by any charging party or respondent in an investigation, hearing, or any other aspect of proceedings before the department under this chapter.*

Sec. 4. Minnesota Statutes 1982, section 363.071, is amended by adding a subdivision to read:

*Subd. 1a. [HEARINGS 180 DAYS AFTER CHARGE.] At any time after 180 days from the filing of a charge, if there has been neither a finding of*

*probable cause nor of no probable cause, the charging party may file a request with the commissioner to appear at a hearing on his own behalf or through a private attorney. Upon receipt of the request, the commissioner shall review the documents and information held in the department's files concerning the charge and shall release to the charging party and respondent all documents and information that is accessible to the charging party and respondent under sections 13.01 to 13.87. The commissioner shall forward the request for hearing to the office of administrative hearings, which shall promptly set the matter for hearing. If the charging party prevails at this hearing, the hearing examiner may require the respondent to reimburse the charging party for reasonable attorney's fees.*

Sec. 5. Minnesota Statutes 1983 Supplement, section 363.071, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] The hearing examiner shall make findings of fact and conclusions of law, and if the hearing examiner finds that the respondent has engaged in an unfair discriminatory practice, the hearing examiner shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the examiner will effectuate the purposes of this chapter. Such order shall be a final decision of the department. The examiner shall order any respondent found to be in violation of any provision of section 363.03 to pay a civil penalty to the state. This penalty is in addition to compensatory and punitive damages to be paid to an aggrieved party. The hearing examiner shall determine the amount of the civil penalty to be paid, taking into account the seriousness and extent of the violation, the public harm occasioned by the violation, whether the violation was intentional, and the financial resources of the respondent. Any penalties imposed under this provision shall be paid into the general fund of the state. In all cases ~~where the examiner may finds that the respondent has engaged in an unfair discriminatory practice the examiner shall order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages, including damages for mental anguish or suffering, and, in an amount up to three times the actual damages sustained.~~ In all cases, the examiner may also order the respondent to pay an aggrieved party, who has suffered discrimination, ~~damages for mental anguish or suffering and reasonable attorney's fees, in addition to~~ punitive damages in an amount not more than \$6,000. Punitive damages shall be awarded pursuant to section 549.20. In any case where a political subdivision is a respondent the total of punitive damages awarded an aggrieved party may not exceed \$6,000 and in that case if there are two or more respondents the punitive damages may be apportioned among them. Punitive damages may only be assessed against a political subdivision in its capacity as a corporate entity and no regular or ex officio member of a governing body of a political subdivision shall be personally liable for payment of punitive damages pursuant to this subdivision. In addition to the aforesaid remedies, in a case involving discrimination in

(a) employment, the examiner may order the hiring, reinstatement or up-grading of an aggrieved party, who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training pro-

gram, on-the-job-training program, or other retraining program, or any other relief the examiner deems just and equitable.

(b) housing, the examiner may order the sale, lease, or rental of the housing accommodation or other real property to an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the examiner deems just and equitable.

The examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 6. Minnesota Statutes 1983 Supplement, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review in accordance with chapter 14. *The attorney general shall represent on appeal, a charging party who prevailed at a hearing authorized by section 4, if the charging party requests representation within ten days after receipt of the petition for appeal.*

Sec. 7. Minnesota Statutes 1982, section 363.116, is amended to read:

363.116 [TRANSFER TO COMMISSIONER.]

A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. *Notwithstanding the provisions of any ordinance to the contrary, a charge may be filed with a local commission within 300 days after the occurrence of the practice.* The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of his rights under Laws 1967, Chapter 897.

The term "local commission" as used in this section has the meaning given the term in section 363.115.

Sec. 8. Minnesota Statutes 1982, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] A person may bring a civil action seeking redress for an unfair discriminatory practice:

(a) Directly to district court; or

(b) Notwithstanding the provisions of any law to the contrary, (1) within 45 days after the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required information, *because the commissioner has determined that further use of de-*

*partment resources is not warranted, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner; (2) within 45 days after the commissioner has reaffirmed his determination of no probable cause if the charging party requested a reconsideration of the probable cause determination; or (2) (3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1 if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of his intention to bring a civil action, which shall be commenced within 90 days of giving the notice;*

(c) The commissioner may dismiss, without prejudice to the charging party, any case filed with the department on or before June 30, 1978. The commissioner shall notify a charging party by regular mail sent before August 1, 1981, that he has a right to bring a civil action pursuant to this section. Upon giving this notice the commissioner shall end all proceedings in the department relating to the charge. Notwithstanding any statutory period of limitation to the contrary, an individual notified pursuant to this clause may bring a civil action relating to his charge; provided that the action is filed on or before February 1, 1982.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Sec. 9. Minnesota Statutes 1982, section 363.14, subdivision 2, is amended to read:

Subd. 2. [DISTRICT COURT JURISDICTION.] Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has his principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.

If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing *such appropriate relief as it deems appropriate and which effectuates the purpose of this chapter. Such relief shall be limited to that permitted as provided by section 363.071, subdivision 2.*

Sec. 10. [EFFECTIVE DATE; APPLICATION.]

*Sections 1 to 9 are effective August 1, 1984. Section 4 applies only to causes of action arising after the effective date of this act."*

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

Senate Conferees: (Signed) Ember D. Reichgott, Michael O. Freeman, Donald A. Storm

House Conferees: (Signed) Karen Clark, Terry Dempsey, Richard J. Cohen

Ms. Reichgott moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1762 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1762 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Lessard and Samuelson voted in the negative.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDER

S.F. No. 1906: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the Data Practices Act; clarifying issues relating to patient access to medical records; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10; 13.06, subdivisions 1 and 6; 13.31, subdivisions 2 and 3; 13.32, subdivision 3; 13.41, by adding a subdivision; 13.42, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.65, subdivision 1; 13.67; 13.69,



by adding a subdivision; 13.72, by adding a subdivision; and 144.335, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 13.

Mr. Peterson, R.W. moved to amend S. F. No. 1906 as follows:

Pages 2 to 3, delete sections 2 to 4

Pages 4 to 8, delete sections 7 to 18

Pages 8 to 10, delete sections 20 to 23

Pages 10 to 11, delete sections 25 and 26

Page 12, delete section 28

Page 13, delete section 31

Page 14, delete lines 33 and 34 and insert:

*"Sections 1 to 10 are effective the day following final enactment. Section 4 is repealed August 1, 1985."*

Renumber the sections in sequence

Delete the title and insert:

*"A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and patient access to medical data; amending Minnesota Statutes 1982, section 13.02, subdivision 8; 13.03, by adding subdivisions; 13.42, by adding a subdivision; 13.65, subdivision 1; 13.69, by adding a subdivision; 13.72, by adding a subdivision; and 144.335, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 13."*

The motion prevailed. So the amendment was adopted.

S.F. No. 1906 was then progressed.

### SPECIAL ORDER

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

Mr. Peterson, C.C. moved to amend the amendment placed on H. F. No. 1761 by the Committee on Taxes and Tax Laws, adopted by the Senate April 14, 1984, as follows:

Delete the amendment to page 2, line 12

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

H.F. No. 1761 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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; creating a three-wheel off-road vehicle safety account in the state treasury; appropriating funds; appropriating money; amending Minnesota Statutes 1982, section 84.87; proposing new law coded in Minnesota Statutes, chapter 84.

Mr. Merriam moved to amend H.F. No. 820, as amended pursuant to Rule 49, adopted by the Senate April 18, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 991.)

Page 8, line 36, after the comma, insert "*after notice and public hearing,*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H.F. No. 820, as amended pursuant to Rule 49, adopted by the Senate April 18, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 991.)

Page 10, line 1, delete "\$135,000" and insert "\$185,000"

Page 10, line 4, after the period, insert "*The approved complement of the department of natural resources is increased by one position.*"

Page 10, delete lines 5 to 8

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H.F. No. 820, as amended pursuant to Rule 49, adopted by the Senate April 18, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 991.)

Pages 1 to 4, delete section 1

Page 9, after line 16, insert:

"Sec. 7. [OPERATION ON STREETS AND HIGHWAYS.]

*Except as provided in chapter 168 or in this section, a three-wheel off-road vehicle may not be driven or operated on a highway. A vehicle may make a direct crossing of a street or highway provided:*

(1) *The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;*

(2) *The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;*

(3) *The driver yields the right of way to all oncoming traffic that constitutes an immediate hazard;*

(4) *In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway; and*

(5) *If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 820 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 9, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Peterson, C.C.	Spear
Belanger	Dieterich	Langseth	Peterson, D.C.	Stumpf
Berglin	Frank	Lessard	Peterson, R.W.	Ulland
Bernhagen	Frederickson	Luther	Petty	Vega
Bertram	Freeman	McQuaid	Pogemiller	Waldorf
Brataas	Johnson, D.E.	Merriam	Reichgott	Wegscheid
Chmielewski	Johnson, D.J.	Moe, R. D.	Renneke	Willet
Dahl	Jude	Nelson	Samuelson	
Davis	Knutson	Novak	Schmitz	
DeCramer	Kroening	Olson	Sieloff	
Dicklich	Kronebusch	Pehler	Solon	

Those who voted in the negative were:

Anderson	Berg	Isackson	Lantry	Ramstad
Benson	Frederick	Kamrath	Peterson, D.L.	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Freeman moved that the following members be excused for a Conference Committee on S.F. No. 1843 at 10:00 a.m.:

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. DeCramer moved that the following members be excused for a Conference Committee on H.F. No. 2182 at 1:00 p.m.:

Messrs. DeCramer, Davis, Frederickson, Bertram and Merriam. The motion prevailed.

### SPECIAL ORDER

The question recurred on S.F. No. 1906:

S.F. No. 1906: A bill for an act relating to collection and dissemination of data; classifying government data as public, private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the Data Practices Act; clarifying issues relating to patient access to medical records; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, and 10; 13.06, subdivisions 1 and 6; 13.31, subdivisions 2 and 3; 13.32, subdivision 3; 13.41, by adding a subdivision; 13.42, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.65, subdivision 1; 13.67; 13.69, by adding a subdivision; 13.72, by adding a subdivision; and 144.335, subdivision 2; proposing new law coded in Minnesota Statutes, chapter 13.

Mr. Renneke moved to amend the Peterson, R.W. amendment to S.F. No. 1906, adopted by the Senate April 20, 1984, as follows:

Delete the amendment to pages 2 and 3 and insert:

Pages 2 to 3, delete sections 2 to 4 and insert:

"Sec. 2. Minnesota Statutes 1982, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy government data at reasonable times and places, and if the person requests, he shall be informed of the data's meaning. The responsible authority or designee shall provide copies of government data upon request. The responsible authority may require the requesting person to pay the actual costs of making, certifying, *researching*, and compiling the copies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall so inform the requesting person orally at the time of the request, and in writing as soon thereafter as possible, and shall cite the statute, temporary classification, or federal law on which the determination is based."

Page 1, line 10 of the Peterson, R.W. amendment, delete "Section 4" and insert "Section 5"

Amend the title as follows:

Page 1, line 20, of the Peterson, R. W. amendment, after "13.03," insert "subd. 3, and"

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

Mr. Diessner moved to amend S.F. No. 1906 as follows:

Pages 13 and 14, delete section 33

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Kroening	Olson	Solon
Belanger	Frederick	Kronebusch	Peterson, D.L.	Storm
Benson	Freeman	Laidig	Ramstad	Taylor
Berg	Isackson	Lantry	Reichgott	Ulland
Bernhagen	Johnson, D.E.	Lessard	Renneke	
Brataas	Kamrath	McQuaid	Samuelson	
Chmielewski	Knaak	Mehrken	Sieloff	

Those who voted in the negative were:

Adkins	Dicklich	Luther	Pehler	Vega
Berglin	Dieterich	Merriam	Peterson, D.C.	Wegscheid
Bertram	Frank	Moe, D. M.	Peterson, R.W.	Willett
Dahl	Hughes	Moe, R. D.	Petty	
Davis	Jude	Nelson	Pogemiller	
DeCramer	Langseth	Novak	Stumpf	

The motion prevailed. So the amendment was adopted.

S.F. No. 1906 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Freeman and Spear voted in the negative.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Ramstad moved that H.F. No. 1800 be taken from the table. The motion prevailed.

H.F. No. 1800: A resolution memorializing Congress and the President to continue their efforts to halt the persecution of the Baha'i minority in Iran.

### SUSPENSION OF RULES

Mr. Ramstad moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1800 and that the rules of the Senate be so far suspended as to give H.F. No. 1800 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1800 was read the second time.

H.F. No. 1800 was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

Mr. Ramstad moved that S.F. No. 1739, No. 61 on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Wegscheid moved that H.F. No. 2134 be taken from the table. The motion prevailed.

H.F. No. 2134: A resolution memorializing the governments of the United States and the Federal Republic of Germany that the State of Minnesota adopts the Land of Bayern as a sister state.

### SUSPENSION OF RULES

Mr. Wegscheid moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2134 and that the rules of the Senate be so far suspended as to give H.F. No. 2134 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2134 was read the second time.

H.F. No. 2134 was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knaak voted in the negative.

So the resolution passed and its title was agreed to.

Mr. Wegscheid moved that S.F. No. 1643, on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Wegscheid moved that Senate Concurrent Resolution No. 17 be adopted, pursuant to the Report from the Committee on Rules and Administration adopted April 20, 1984.

Senate Concurrent Resolution No. 17: A Senate concurrent resolution proclaiming Bud Grant Day in Minnesota and encouraging public recognition of Bud Grant's contribution to Minnesota.

WHEREAS, Bud Grant is retiring after 17 years as coach of the Minnesota Vikings; and

WHEREAS, as coach of the Vikings, Bud Grant compiled a record of 151 victories, made the playoffs 12 times, won 15 division titles, won one NFL title, won three NFC titles, and took the Vikings to four Super Bowls; and

WHEREAS, Bud Grant, during his 35 years in professional sports, has acquired the reputation among his peers and fans alike of a man who exemplifies sportsmanship in its truest form; and

WHEREAS, Bud Grant, through his sportsmanlike example, whether on the field or in his outdoor avocations, has been recognized throughout the country as an ambassador for the people of the State of Minnesota and all it stands for; and

WHEREAS, Bud Grant's unique contributions to our state should not go unnoticed; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that a day designated by the Governor is proclaimed as Bud Grant Day in Minnesota.

BE IT FURTHER RESOLVED that on that day the people of Minnesota are encouraged to show their admiration for Bud Grant and to celebrate his accomplishments.

BE IT FURTHER RESOLVED that the Revisor of Statutes is directed to prepare an enrolled copy of this resolution, to be authenticated by the President and Secretary of the Senate and the Speaker and Chief Clerk of the House of Representatives, and that it be presented to the Governor for his

approval or veto. If approved, he shall file it with the Secretary of State.

**BE IT FURTHER RESOLVED** that the Secretary of State is directed to prepare a certified copy of this resolution and present it to Bud Grant.

The motion prevailed. So the resolution was adopted.

### CONFIRMATION

Mr. Spear moved that the appointments of notaries public received March 21, 1984, be taken from the table. The motion prevailed.

Mr. Spear moved that the Senate do now consent to and confirm the appointments of the notaries public. The motion prevailed. So the appointments were confirmed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that H.F. No. 1559 be taken from the table and given its second reading. The motion prevailed.

H.F. No. 1559: 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.

H.F. No. 1559 was read the second time.

### SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1559 and that the rules of the Senate be so far suspended as to give H.F. No. 1559 its third reading and place it on its final passage. The motion prevailed.

Mr. Willet moved to amend H.F. No. 1559 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1559, and insert the language after the enacting clause, and the title, of S.F. No. 1532, the third engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 1559 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Olson	Samuelson
Anderson	Dieterich	Kroening	Pehler	Schmitz
Benson	Frank	Kronebusch	Peterson, C. C.	Sieloff
Berg	Frederick	Laidig	Peterson, D. C.	Solon
Berglin	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.	McQuaid	Purfeerst	Ulfand
Dahl	Johnson, D. J.	Moe, D. M.	Ramstad	Vega
Davis	Jude	Nelson	Reichgott	Willet
Dicklich	Kamrath	Novak	Renneke	

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



**MOTIONS AND RESOLUTIONS - CONTINUED**

Ms. Berglin moved that H.F. No. 1766 be taken from the table. The motion prevailed.

H.F. No. 1766: 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 coded in Minnesota Statutes, Chapter 471.

Ms. Berglin moved that H.F. No. 1766 be laid on the table. The motion prevailed.

Ms. Berglin moved that H.F. No. 2098 be taken from the table. The motion prevailed.

H.F. No. 2098: A bill for an act relating to public welfare; revising procedures for determining operating cost payment rates for nursing homes; amending Minnesota Statutes 1982, sections 144.072; 256B.25; 256D.06, by adding a subdivision; 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; 256.48, subdivision 1; and 256B.50; proposing new law coded in Minnesota Statutes, chapter 144.

Ms. Berglin moved to amend H.F. No. 2098, as amended by the Senate April 19, 1984, as follows:

(The text of the amended House File is identical to S.F. No. 1985.)

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 45.16, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The attorney general shall:

(a) enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325F.68 and 325F.69;

(b) *enforce the provisions of law set forth in sections 2 to 4;*

(c) make recommendations to the governor and the legislature for statutory needs that exist in adequately protecting the consumer.

Sec. 2. Minnesota Statutes 1983 Supplement, section 62D.03, subdivision 4, if amended by H.F. No. 1561 at the 1984 regular session, is amended to read:

Subd. 4. Each application for a certificate of authority shall be verified by an officer or authorized representative of the applicant, and shall be in a form prescribed by the commissioner of health. Each application shall include the following:

(a) a copy of the basic organizational document, if any, of the applicant and of each major participating entity; such as the articles of incorporation, or other applicable documents, and all amendments thereto;

(b) a copy of the bylaws, rules and regulations, or similar document, if any, and all amendments thereto which regulate the conduct of the affairs of the

applicant and of each major participating entity;

(c) a list of the names, addresses, and official positions of the following:

(1) all members of the board of directors, or governing body of the local government unit, and the principal officers and ~~controlling~~ shareholders of the *applicant* organization; and

(2) all members of the board of directors, or governing body of the local government unit, and the principal officers *of the major participating entity* and ~~controlling shareholders~~ of each *shareholder beneficially owning more than ten percent of any voting stock of the major participating entity*;

The commissioner may by rule identify persons included in the ~~terms~~ *term* "principal officers" and "~~controlling shareholders~~";

(d) a full disclosure of the extent and nature of any contract or financial arrangements between the following:

(1) the health maintenance organization and the persons listed in clause (c)(1);

(2) the health maintenance organization and the persons listed in clause (c)(2);

(3) each major participating entity and the persons listed in clause (c)(1) concerning any financial relationship with the health maintenance organization; and

(4) each major participating entity and the persons listed in clause (c)(2) concerning any financial relationship with the health maintenance organization;

(e) the name and address of each participating entity and the agreed upon duration of each contract or agreement;

(f) a copy of the form of each contract binding the participating entities and the health maintenance organization. Contractual provisions shall be consistent with the purposes of sections 62D.01 to 62D.29, in regard to the services to be performed under the contract, the manner in which payment for services is determined, the nature and extent of responsibilities to be retained by the health maintenance organization, the nature and extent of risk sharing permissible, and contractual termination provisions;

(g) a copy of each contract binding major participating entities and the health maintenance organization. Contract information filed with the commissioner shall be confidential and subject to the provisions of section 13.37, subdivision 1, clause (b), upon the request of the health maintenance organization.

Upon initial filing ~~and thereafter on or before the anniversary of the implementation~~ of each contract, the health maintenance organization shall file a separate document detailing the projected annual expenses to the major participating entity in performing the contract and the projected annual revenues received by the entity from the health maintenance organization for such performance. The commissioner shall disapprove any contract with a major participating entity if the contract will result in an unreasonable expense under section 62D.19. The commissioner shall ~~notify a major participating~~

*entity approve or disapprove a contract within 30 days if a contract may be disapproved of filing.*

Within 120 days of the anniversary of the implementation of each contract, the health maintenance organization shall file a document detailing the actual expenses incurred *and reported* by the major participating entity in performing the contract in the proceeding year and the actual revenues received from the health maintenance organization by the entity in payment for the performance. ~~The contract shall be submitted for a reasonableness determination under section 62D.19.~~

Contracts implemented prior to the effective date of this subdivision shall be filed within 90 days of such effective date. *These contracts are subject to the provisions of section 62D.19 but are not subject to the prospective review prescribed by this clause unless or until the terms of the contract are modified.* Commencing with the next anniversary of the implementation of each of these contracts immediately following filing, the health maintenance organization shall, as otherwise required by this subdivision, file annual ~~projected and~~ actual expenses and revenues ~~which will be subject to review in the manner prescribed by this subdivision.~~

(h) a statement generally describing the health maintenance organization, its health maintenance contracts and separate health service contracts, facilities, and personnel, including a statement describing the manner in which the applicant proposes to provide enrollees with comprehensive health maintenance services and separate health services;

(i) a copy of the form of each evidence of coverage to be issued to the enrollees;

(j) a copy of the form of each individual or group health maintenance contract and each separate health service contract which is to be issued to enrollees or their representatives;

(k) financial statements showing the applicant's assets, liabilities, and sources of financial support. If the applicant's financial affairs are audited by independent certified public accountants, a copy of the applicant's most recent certified financial statement may be deemed to satisfy this requirement;

(l) a description of the proposed method of marketing the plan, a schedule of proposed charges, and a financial plan which includes a three year projection of the expenses and income and other sources of future capital;

(m) a statement reasonably describing the geographic area or areas to be served and the type or types of enrollees to be served;

(n) a description of the complaint procedures to be utilized as required under section 62D.11;

(o) a description of the procedures and programs to be implemented to meet the requirements of section 62D.04, subdivision 1, clauses (b) and (c) and to monitor the quality of health care provided to enrollees;

(p) a description of the mechanism by which enrollees will be afforded an opportunity to participate in matters of policy and operation under section 62D.06;

(q) a copy of any agreement between the health maintenance organization

and an insurer or nonprofit health service corporation regarding reinsurance, stop-loss coverage or any other type of coverage for potential costs of health services, as authorized in section 62D.04, subdivision 1, clause (f), and section 62D.13; and

(r) other information as the commissioner of health may reasonably require to be provided.

### Sec. 3. [62D.102] [MINIMUM BENEFITS.]

*In addition to minimum requirements established in other sections, all group health maintenance contracts providing benefits for mental or nervous disorder treatments in a hospital shall also provide coverage for at least ten hours of treatment over a 12-month period with a copayment not to exceed the greater of \$10 or 20 percent of the applicable usual and customary charge for mental or nervous disorder consultation, diagnosis and treatment services delivered while the enrollee is not a bed patient in a hospital.*

### Sec. 4. [62D.103] [SECOND OPINION RELATED TO CHEMICAL DEPENDENCY AND MENTAL HEALTH.]

*A health maintenance organization shall promptly evaluate the treatment needs of any enrollee who is seeking treatment for a problem related to chemical dependency or mental health conditions. In the event that the health maintenance organization or a participating provider determines that no type of structured treatment is necessary, the enrollee shall be immediately entitled to a second opinion paid for by the health maintenance organization, by a health care professional qualified in diagnosis and treatment of the problem and not affiliated with the health maintenance organization. The health maintenance organization or participating provider shall consider the second opinion but is not obligated to accept the conclusion of the second opinion. The health maintenance organization or participating provider shall document its consideration of the second opinion.*

Sec. 5. Minnesota Statutes 1982, section 62D.12, subdivision 1, if amended by H.F. No. 1561 at the 1984 regular session, is amended to read:

Subdivision 1. No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising or solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive. ~~Any written advertising is misleading if it fails to disclose that there are limitations on the services of some health care professionals. This general disclosure is not required on billboards.~~ Each health maintenance organization shall be subject to sections 72A.17 to 72A.321, relating to the regulation of trade practices, except (a) to the extent that the nature of a health maintenance organization renders such sections clearly inappropriate and (b) that enforcement shall be by the commissioner of health and not by the commissioner of insurance. Every health maintenance organization shall be subject to sections 325F.69 and 8.31.

Sec. 6. Minnesota Statutes 1982, section 62D.17, subdivision 4, is amended to read:

Subd. 4. (a) The commissioner of health may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in vio-

lation of the provisions of sections 62D.01 to 62D.29.

(b) Within 20 days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of sections 62D.01 to 62D.29 have occurred. Such hearings shall be subject to judicial review as provided by chapter 14.

*If the acts or practices involve violation of the reporting requirements of section 62D.08, or if the commissioner of commerce has ordered the rehabilitation, liquidation, or conservation of the health maintenance organization in accordance with section 62D.18, the health maintenance organization may request an expedited hearing on the matter. The hearing shall be held within 15 days of the request. Within ten days thereafter, a hearing examiner shall issue a recommendation on the matter. The commissioner shall make a final determination on the matter within ten days of receipt of the hearing examiner's recommendation.*

*When a request for a stay accompanies the hearing request, the matter shall be referred to the office of administrative hearings within three working days of receipt of the request. Within ten days thereafter, a hearing examiner shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five days of receipt of the hearing examiner's recommendation.*

*To the extent the acts or practices alleged do not involve violations of section 62D.08, if a timely request for a hearing is made, the cease and desist order shall be stayed for a period of 90 days from the date the hearing is requested or until a final determination is made on the order, whichever is earlier. During this stay, the respondent may show cause why the order should not become effective upon the expiration of the stay. Arguments on this issue shall be made through briefs filed with the hearing examiner no later than ten days prior to the expiration of the stay.*

#### Sec. 7. [80D.19] [ANNUAL FINANCIAL STATEMENT REQUIRED.]

*A provider shall prepare and distribute an annual financial statement to the residents of a facility. The statement shall be prepared in accordance with generally accepted accounting principles and shall be distributed within four months of the end of the provider's fiscal year. The statement must reflect all of the income and expense attributable to the facility for the fiscal year covered. The statement must account for all receipts and disbursements from whatever source derived, to whatever source paid, arising from the operation of the facility.*

*All entrance and maintenance fees, actual interest received and paid, and loan proceeds received, and interest and principal paid thereon, must be accounted for whether or not included in separate accounts because of trust, escrow, or other requirements. Items of income and expense to be allocated between a facility and another accounting entity must be allocated in accordance with generally accepted accounting principles. The allocation must be noted in the statement. The statement must be in sufficient detail to be meaningful but must be easily readable by, and understandable to, a person of average intelligence and education. The statement must include comparable data for the fewer of: each of the last five years; or for each year since the first receipts or disbursements, arising out of the facility project. If compa-*

able data does not exist and cannot be created for a past year, the variation must be noted and explained in the statement.

**Sec. 8. [80D.20] [RESIDENTS' REVIEW OF BUDGET; MONTHLY STATEMENTS; MANAGEMENT CONTRACTS.]**

*Subdivision 1. [FORMATION OF ASSOCIATION.] The residents of a facility may form a residents' association to deal with common interests related to their residency. The association may be organized in any way so long as each resident is given an equal opportunity to participate and an equal vote in the association's decisions including those delegating authority to the association's officers, board, and committees, if any.*

*Subd. 2. [ANNUAL BUDGET REVIEW.] Upon notification to it of the existence of a residents' association, the provider must present its annual budget to the association for comment before its adoption. The budget must be in sufficient detail to be meaningful, but must be readable by, and understandable to, a person of average intelligence and education. The budget must reflect the projected collection and disbursement of receipts of any kind, for any purpose by the provider, or any person related in business to the provider, attributable to residents of the facility, including interest income, and trust assets, during the budget year.*

*Subd. 3. [REVIEW OF MONTHLY EXPENDITURE STATEMENTS.] Throughout the budget year, the provider must give the association timely monthly statements of current income and expense showing year-to-date relationship to the annual budget, and explanations for a deviation from the budget. The association or its representative may comment on, or raise questions about, the monthly statements, to the provider.*

*Subd. 4. The penalty provisions of section 80D.16 shall apply to provider actions in sections 2 and 3.*

**Sec. 9. [TIME OF EFFECT.]**

*The first reporting fiscal year a provider must comply with section 7 is the first of its fiscal years that ends after the effective date of sections 7 to 9. Comparable data from up to five years earlier than the reporting fiscal year is required to comply with section 7 according to its terms."*

*Page 6, line 31, after the period, insert "For rate years beginning July 1, 1985, the commissioner shall not provide, by rule, limitations on top management personnel."*

*Page 7, line 17, delete "\$2.95 per" and insert "the 25th percentile of general and administrative cost per diems of nursing homes grouped by level of care;"*

*Page 7, delete lines 18 to 20*

*Page 7, delete lines 23 to 25 and insert "or the 25th percentile of general and administrative cost per diems of nursing homes grouped by level of care;"*

*Page 7, line 27, delete everything after "or" and insert "the 25th percentile of general and administrative cost per diems of nursing homes grouped by level of care; and"*

*Page 7, delete lines 28 to 30*

Page 13, line 11, after the period, insert *"In addition, the commissioner shall take into consideration facilities which historically provided nursing hours at or near the maximum limits which were subsequently reduced as a consequence of payment rate reductions."*

Page 13, line 13, after the period, insert *"When circumstances dictate, the commissioner has authority to renegotiate payment rates for an additional period of time."*

Page 17, line 9, after *"assurance"* insert *“, provider groups and consumers”*

Page 17, line 10, delete *"and consult with providers and consumers"*

Page 18, line 2, after *"licensure"* insert *"or certification"*

Page 18, line 3, after the period, insert *"Services beyond those required to comply with licensure or certification standards must not be charged separately as a special service if they were included in the payment rate for the previous reporting year."*

Page 20, line 14, delete *"The"* and insert *"For a period not to exceed 180 days, the"*

Page 20, after line 36, insert:

*"Sec. 19. [256B.491] [WAIVERED SERVICES.]*

*Subdivision 1. [STUDY.] The commissioner of public welfare shall prepare a study on the characteristics of providers who have the potential for offering home and community-based services under federal waivers authorized by United States Code, title 42, sections 1396 to 1396p. The study shall include, but not be limited to:*

*(a) An analysis of the characteristics of providers presently involved in offering services to the elderly, chronically ill children, disabled persons under age 65, and mentally retarded persons;*

*(b) The potential for conversion to waived services of facilities which currently provide services to the disability groups enumerated in clause (a);*

*(c) Proposals for system redesign to include (1) profiles of the types of providers best able, within reasonable fiscal constraints, to serve the needs of clients and to fulfill public policy goals in provision of waived services, (2) methods for limiting concentration of facilities providing services under waiver, (3) methods for ensuring that services are provided by the widest array of provider groups.*

*The commissioner shall present the study to the legislature no later than March 15, 1985.*

*Subd. 2. [CONTROL LIMITED.] Until July 1, 1985, no one person shall control the delivery of waived services to more than 50 persons receiving waived services as authorized by section 256B.501. For the purposes of this section the following terms have the meanings given them:*

*(1) A "person" is an individual, a corporation, a partnership, an association, a trust, an unincorporated organization, a subsidiary of an organization, and an affiliate. A "person" does not include any governmental authority,*

agency or body.

(2) An "affiliate" is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(3) "Control" including the terms "controlling," "controlled by," and "under the common control with" is the possession, direct or indirect, or the power to direct or cause the direction of the management, operations or policies of a person, whether through the ownership of voting securities, by contract, through consultation or otherwise."

Page 21, line 10, after "1985," insert "and for the purpose of salary increases for direct-care personnel,"

Page 21, line 21, after the period, insert "This increase shall not be used for general and administrative costs or property-related costs."

Page 21, after line 24, insert:

"Sec. 23. [ACQUISITION LIMITATION STUDY.]

*The interagency board for quality assurance in consultation with the state planning agency, the department of public welfare, and the department of health shall study the issues related to concentration of ownership in the nursing home industry and in residential care services for the mentally retarded, including the effect on medical assistance rates paid for resident care. The board shall report to the legislative commission on long-term health care by January 15, 1985."*

Page 21, line 26, before "The" insert "Subdivision 1"

Page 21, line 30, delete "Ten" and insert "Five"

Page 21, after line 32, insert:

*"Subd. 2. There is appropriated to the commissioner of the department of public welfare, \$1,170,000 for the purposes of sections 8 to 23.*

*Subd. 3. There is appropriated to the legislative commission on long-term health care \$15,000 for the purposes of nursing home reimbursement rule developments and the state hospital planning study.*

*Subd. 4. The appropriations in subdivisions 1, 2, and 3, are from the general fund for the biennium ending June 30, 1985."*

Page 21, line 34, delete "13" and insert "23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring financial statements by providers of continuing care facilities; allowing residents to form associations;"

Page 1, line 4, after the semicolon, insert "providing for a study; limiting control of waived services; regulating continuing care facilities; appropriating money;" and after "sections" insert "62D.12, subdivision 1; 62D.17, subdivision 4;"

Page 1, line 6, after "sections" insert "45.16, subdivision 2; 62D.03,



subdivision 4;"

Page 1, line 10, delete "chapter" and insert "chapters 62D; 80D; 144; and 256B."

Page 1, delete line 11

The motion prevailed. So the amendment was adopted.

H.F. No. 2098 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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 Redevelopment 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.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill 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 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. 1559: A bill for an act relating to public utilities; permitting the public utilities commission to order reimbursement payments to intervenors in telephone rate proceedings; amending Minnesota Statutes 1982, section 237.075, by adding a subdivision.

Senate File No. 1559 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1984

### CONCURRENCE AND REPASSAGE

Mr. Dieterich moved that the Senate concur in the amendments by the House to S.F. No. 1559 and that the bill be placed on its repassage as amended.

Mr. Frank moved that the Senate do not concur in the amendments by the House to S.F. No. 1559, 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.

Mr. Dieterich moved that S.F. No. 1559 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Solon moved that the name of Mr. Dicklich be added as a co-author to S.F. No. 1886. The motion prevailed.

S.F. No. 1563 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1563

A bill for an act relating to labor; extending the statute of limitation on certain actions to recover wages or overtime; clarifying child labor penalties; amending Minnesota Statutes 1982, section 541.07; Minnesota Statutes 1983 Supplement, section 181A.12, subdivision 1.

April 19, 1984

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Harry A. Sieben, Jr.

Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1563, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1563 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1983 Supplement, section 150A.08, subdivision 8, is amended to read:

Subd. 8. [SUSPENSION OF LICENSE.] In addition to any other remedy provided by law, the board may, through its designated board members pursuant to section 214.10, subdivision 2, temporarily suspend a license or registration without a hearing if the board finds that the licensee or registrant has violated a statute or rule which the board is empowered to enforce and continued practice by the licensee or registrant would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the licensee or registrant served by first class mail specifying the statute or rule violated, and the time, date, and place of the hearing before the board. If the notice is returned by the post office, the notice shall be effective upon reasonable attempts to locate and serve the licensee or registrant. Within ten days of service of the notice, the board shall hold a hearing before its own members on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the board, licensee, or registrant, shall be in affidavit form only. The licensee or registrant or his counsel may appear for oral argument. Within five working days after the hearing, the board shall issue its order and, if the suspension is continued, the board shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedure Act within 45 days of issuance of the order. The hearing examiner shall issue a report within 30 days of the closing of the contested case hearing record. The board shall issue a final order within 30 days of receiving that report. *The board shall allow a person whose license has been suspended to practice dentistry under the supervision of a licensed dentist for the purpose of demonstrating his or her competence and eligibility for reinstatement.*

Sec. 2. Minnesota Statutes 1983 Supplement, section 181A.12, subdivision 1, is amended to read:

Subdivision 1. [FINES; PENALTY.] Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12 or refuses to admit the commissioner or his authorized representative to any place of employment or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12 or any rules issued pursuant thereto shall be assessed a fine to be paid to the commissioner for deposit in the general fund. The fine may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Fines are in the amounts as follows:

(a) employment of minors under the age of 14

<i>(each employee)</i>	\$ 50
(b) employment of minors under the age of 16 during school hours while school is in session <i>(each employee)</i>	50
(c) employment of minors under the age of 16 before 7:00 a.m. <i>(each employee)</i>	50
(d) employment of minors under the age of 16 after 9:30 p.m. <i>(each employee)</i>	50
(e) employment of minors under the age of 16 over eight hours a day <i>(each employee)</i>	50
(f) employment of minors under the age of 16 over 40 hours a week <i>(each employee)</i>	50
(g) employment of minors under the age of 18 in hazardous occupations <i>(each employee)</i>	100
(h) employment of minors under the age of 16 in hazardous occupations <i>(each employee)</i>	100
(i) minors under the age of 18 injured in hazardous employment <i>(each employee)</i>	500
(j) minors employed without proof of age <i>(each employee)</i>	5

*An employer who refuses to make certificates or lists available as required by sections 181A.01 to 181A.12 shall be assessed a \$500 fine.*

An employer who engages in a consistent and repeated pattern of violations of sections 181A.01 to 181A.12 is *also* guilty of a gross misdemeanor.

Sec. 3. Minnesota Statutes 1983 Supplement, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by his parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) An age restriction applied uniformly and without exception to all individuals established by a bona fide apprenticeship program established pursuant to chapter 178, which limits participation to persons who enter the program prior to some specified age and the trade involved in the program predominantly involves heavy physical labor or work on high structures. After January 1, 1984, these age restrictions are exempt from the provisions of section

363.03, subdivision 1 only to the extent that they are declared exempt in rules adopted by the commissioner according to chapter 14. The commissioner must adopt rules governing this subject before January 1, 1984, and is authorized to adopt temporary, as well as permanent rules for this purpose. Neither shall the operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, lay-off priorities, vacation credit, and job assignments based on seniority, be a violation of the age discrimination provisions of section 363.03, subdivision 1, so long as the operation of the system is not a subterfuge to evade the provisions of chapter 363;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

It is not an unfair employment practice for an employer, employment agency or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided (a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job; (b) that the examination tests only for essential job-related abilities; and (c) that the examination, unless limited to determining whether the person's disability would prevent performance of the job, is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, to obtain additional medical information for the purposes of establishing an employee health record;

(iii) to administer pre-employment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability unless limited to determining whether the person's disability would prevent performance of the job, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in

tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria.

Sec. 4. Minnesota Statutes 1982, section 541.07, is amended to read:

**541.07 [TWO OR THREE YEAR LIMITATIONS.]**

Except where the uniform commercial code *or this section* otherwise prescribes, the following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, other health care professionals as defined in section 145.61, and veterinarians as defined in chapter 156, hospitals, sanatoriums, for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counter-claim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist or other health care professional or veterinarian, hospital or sanatorium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture;

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding under the pre-emption or homestead laws, the limitations shall not begin to run until a patent has been issued for the land so damaged;

(4) Against a master for breach of an indenture of apprenticeship; the limitation runs from the expiration of the term of service;

(5) For the recovery of wages or overtime or damages, fees or penalties accruing under any federal or state law respecting the payment of wages or overtime or damages, fees or penalties *except, that if the employer fails to submit payroll records by a specified date upon request of the department of labor and industry or if the nonpayment is willful and not the result of mistake or inadvertence, the limitation is three years.* (The term "wages" means all remuneration for services or employment, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, where the relationship of master and servant exists and the term "damages," means single, double, or treble damages, accorded by any statutory cause of action whatsoever and whether or not the relationship of master and servant exists);

(6) For damages caused by the establishment of a street or highway grade or a change in the originally established grade;

(7) For sales or use taxes imposed by the laws of any other state;

(8) Against the person who applies the pesticide for injury or damage to property resulting from the application, but not the manufacture or sale, of a pesticide.

Sec. 5. Laws 1967, chapter 252, section 2, as amended by Laws 1971, chapter 683, section 1, and Laws 1983, chapter 161, section 1, is amended to read:

Sec. 2. [INDEPENDENT SCHOOL DISTRICT NO. 709; EMPLOYEES; EXCEPTIONS.] The term "employees," as used in this act, shall not include members of the school board, superintendent of schools, assistant superintendents of schools, teachers, other employees of the school district whose positions require them to be certified pursuant to rules and regulations adopted by the state board of education, directors, administrative assistants, clerical or similar workers, *food service workers*, deputy clerk and purchasing agent, supervisors, advisors, coordinators, physicians, attorney, nurses, and temporary employees.

Sec. 6. [EFFECTIVE DATE.]

*Section 5 is effective upon compliance with Minnesota Statutes, section 645.021."*

Delete the title and insert:

"A bill for an act relating to labor; permitting the practice of dentistry under supervision of a licensed dentist; clarifying child labor penalties; removing the exemption for certain individuals from unfair discriminatory practices; extending the statute of limitation on certain actions to recover wages or overtime; removing food service workers from School District No. 709 civil service; amending Minnesota Statutes 1982, section 541.07; Minnesota Statutes 1983 Supplement, sections 150A.08, subdivision 8; 181A.12, subdivision 1; and 363.02, subdivision 1; and Laws 1967, chapter 252, section 2, as amended."

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

Senate Conferees: (Signed) Florian Chmielewski, Mel Frederick, Bob Lessard

House Conferees: (Signed) Rich O'Connor, Joseph R. Begich, Jim Evans

Mr. Chmielewski moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1563 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1563 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and

its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1336 and the Conference Committee Report thereon were reported to the Senate.

#### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1336

A bill for an act relating to crime; providing for criminal penalties and a one year driver's license revocation upon refusal by a driver suspected of driving under the influence of alcohol or a controlled substance to take a test; authorizing testing of a suspect who is unconscious or in a condition rendering the suspect incapable of refusal; restricting issuance of limited licenses for work purposes; clarifying provisions of the hit and run law; clarifying penalties imposed on certain persons convicted of driving while under the influence of alcohol or a controlled substance; clarifying provisions of the driving after revocation, suspension, or cancellation law; prescribing penalties for causing death or injury of another while operating a vehicle in a certain manner; providing for admission into evidence of certain convictions for driving offenses for impeachment purposes; authorizing issuance of limited licenses in certain circumstances; amending Minnesota Statutes 1982, sections 169.09, subdivision 4; 169.123, subdivisions 4, 5a, and 9, and by adding a subdivision; 171.24; and 171.30, subdivision 1; and Minnesota Statutes 1983 Supplement, sections 169.09, subdivisions 1, 14, and 15; 169.121, subdivision 3; 169.123, subdivisions 2 and 6; and 609.21, subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, chapters 171 and 634; repealing Minnesota Statutes 1982, section 169.123, subdivision 9.

April 19, 1984

The Honorable Jerome M. Hughes  
President of the Senate

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

We, the undersigned conferees for S.F. No. 1336, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1336 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP.] The driver of any vehicle involved in an accident resulting in *immediately demonstrable* bodily injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close to the scene as possible, but shall then return to and in every event, shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

Sec. 2. Minnesota Statutes 1982, section 169.09, subdivision 4, is



amended to read:

Subd. 4. [COLLISION WITH UNATTENDED VEHICLE.] The driver of any vehicle which collides with and damages any vehicle which is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, shall report the same to a police officer, or shall leave in a conspicuous place in or secured to the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

Sec. 3. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 14, is amended to read:

Subd. 14. [PENALTIES.] (a) The driver of any vehicle who violates subdivision 1 or 6 and who caused the accident is punishable as follows:

(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both; or

(2) If the accident results in substantial bodily ~~injury~~ harm to any person, as defined in section 609.02, subdivision 8 7a, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$3,000, or both.

(b) *The driver of any vehicle who violates subdivision 1 or 6 and who did not cause the accident is punishable as follows:*

*(1) If the accident results in the death of any person, the driver is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both;*

*(2) If the accident results in great bodily harm to any person, as defined in section 609.02, subdivision 8, the driver is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both; or*

*(3) If the accident results in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, the driver may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both.*

~~(b)~~ (c) The driver of any vehicle involved in an accident not resulting in substantial bodily harm or death who violates subdivision 1 or 6 and who did not cause the accident or who violates subdivision 2 is guilty of a gross misdemeanor, and may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than ~~\$1,000~~ \$3,000, or both.

~~(d)~~(d) Any person who violates subdivision 3, clause (b) is guilty of a petty misdemeanor.

~~(d)~~(e) Any person who violates subdivision 3, clause (a), or subdivision 4, 5, 7, 8, 10, 11, or 12 is guilty of a misdemeanor.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this

section.

Sec. 4. Minnesota Statutes 1983 Supplement, section 169.09, subdivision 15, is amended to read:

Subd. 15. [DEFENSE.] It is an affirmative defense to prosecution under subdivisions 1, 2, and 6 that the driver left the scene of the accident to take any person suffering ~~substantial~~ *immediately demonstrable* bodily injury in the accident to receive emergency medical care if the driver of the involved vehicle gives notice to a law enforcement agency as required by subdivision 6 as soon as reasonably feasible after the emergency medical care has been undertaken.

Sec. 5. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:

- (a) When the person is under the influence of alcohol;
- (b) When the person is under the influence of a controlled substance;
- (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b); ~~or~~
- (d) When the person's alcohol concentration is 0.10 or more ; *or*
- (e) *When the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more.*

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or is in physical control of any motor vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 6. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 1a, is amended to read:

Subd. 1a. [ARREST.] ~~When an accident has occurred,~~ A peace officer may lawfully arrest a person for violation of subdivision 1 without a warrant upon probable cause, without regard to whether the violation was committed in the officer's presence.

When a peace officer has probable cause to believe that a person is driving or operating a motor vehicle in violation of subdivision 1, and before a stop or arrest can be made the person escapes from the geographical limits of the officer's jurisdiction, the officer in fresh pursuit of the person may stop or arrest the person in another jurisdiction within this state and may exercise the powers and perform the duties of a peace officer under sections 169.121 and 169.123. An officer acting in fresh pursuit pursuant to this subdivision is serving in his regular line of duty as fully as though he was within his jurisdiction.

The express grant of arrest powers in this subdivision does not limit the arrest powers of peace officers pursuant to sections 626.65 to 626.70 or section 629.40 in cases of arrests for violation of subdivision 1 or any other provision of law.

Sec. 7. Minnesota Statutes 1983 Supplement, section 169.121, subdivision

2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by a medical or chemical analysis of it; ~~if the test is taken voluntarily or pursuant to section 169.123.~~

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

~~For purposes of this section and section 169.123, the result of an evidentiary test administered within two hours of the alleged violation is deemed to be the alcohol concentration at the time of the violation. If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e) that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.~~

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance, including tests obtained more than two hours after the alleged violation.

Sec. 8. Minnesota Statutes 1983 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] A person who violates this section or an ordinance in conformity with it is guilty of a misdemeanor.

The following persons are guilty of a gross misdemeanor:

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

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

For purposes of this subdivision, a prior juvenile adjudication under this

*section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is a prior conviction.*

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

Sec. 9. Minnesota Statutes 1982, section 169.121, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] A person convicted of violating this section shall have his driver's license or operating privileges revoked by the commissioner of public safety as follows:

(a) First offense: not less than 30 days;

(b) Second offense in less than five years: not less than 90 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(c) Third offense in less than five years: not less than one year, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

(d) Fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

*If the person convicted of violating this section is under the age of 18 years, the commissioner of public safety shall revoke the offender's driver's license or operating privileges until the offender reaches the age of 18 years or for a period of six months or for the appropriate period of time under clauses (a) to (d) for the offense committed, whichever is the greatest period.*

*For purposes of this subdivision, a juvenile adjudication under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them is an offense.*

Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

Any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is not subject to the mandatory revocation provisions of clause (a) or (b).

Sec. 10. Minnesota Statutes 1983 Supplement, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer.

The test may be required of a person when an officer has ~~reasonable~~ and probable ~~grounds~~ *cause* to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. ~~No action may be taken against the person for declining to take a direct blood test, if offered, unless an alternative test was offered.~~

(b) At the time a chemical test specimen is requested, the person shall be informed:

*(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;*

*(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of ~~six months~~ one year or, if the person is under the age of 18 years, for a period of one year or until he or she reaches the age of 18 years, whichever is greater;*

*(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater;*

*(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and*

*(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by a person of his own choosing; and*

*(5) that if he refuses to take a test, the refusal will be offered into evidence against him at trial.*

*(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. However, if the officer directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of his blood or urine.*

Sec. 11. Minnesota Statutes 1982, section 169.123, is amended by adding a subdivision to read:

*Subd. 2b. [CONSENT OF PERSON INCAPABLE OF REFUSAL NOT WITHDRAWN.] A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subdivision 2 and the test may be given.*

Sec. 12. Minnesota Statutes 1982, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given; but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. *A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence.* If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed ~~reasonable and probable grounds~~ *cause* to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of ~~six months~~ *one year. If the person refusing to submit to testing is under the age of 18 years, the commissioner shall revoke the person's license or permit to drive, or his or her nonresident operating privilege, for a period of one year or until the person reaches the age of 18 years, whichever is greater.* Upon certification by the peace officer that there existed ~~reasonable and probable grounds~~ *cause* to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days *or, if the person is under the age of 18 years, for a period of six months or until he or she reaches the age of 18 years, whichever is greater.*

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 13. Minnesota Statutes 1982, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer ~~offering~~ *requiring* a chemical test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration of 0.10 or more. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 7 days. The peace officer shall send the person's driver's license to the commissioner of public safety along with the certificate required by subdivision 4.

Sec. 14. Minnesota Statutes 1983 Supplement, section 169.123, subdivi-

sion 6, is amended to read:

Subd. 6. [HEARING.] A hearing under this section shall be before a municipal or county judge, in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pre-trial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved.

The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with the provisions of this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts within the judicial district.

The scope of the hearing shall be limited to the issues of:

(1) whether the peace officer had ~~reasonable and probable grounds~~ *cause* to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance, and whether the person was lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle accident or collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and

(2) whether at the time of the request for the test the peace officer informed the person of his rights and the consequences of taking or refusing the test as required by subdivision 2; and

(3) either (a) whether the person refused to permit the test, or (b) whether a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time of testing, and whether the testing method used was valid and reliable, and whether the test results were accurately evaluated.

It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, his refusal to permit the test was based upon reasonable grounds.

Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses and certificates shall be admissible as substantive evidence.

The court shall order either that the revocation be rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for his further action if the license or permit is not already in the commissioner's possession.

Sec. 15. Minnesota Statutes 1982, section 169.13, subdivision 3, is amended to read:

Subd. 3. [APPLICATION.] The provisions of this section apply, but are

not limited in application, to any person who drives any vehicle in the manner prohibited by this section:

(1) upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or

(2) in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting such a parking lot with a street or highway.

Sec. 16. Minnesota Statutes 1982, section 171.16, subdivision 5, is amended to read:

Subd. 5. [JUVENILE COURT.] When any judge of a juvenile court, or any of its duly authorized agents, shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of any law of this state, or ordinances of political subdivisions thereof, regulating the operation of motor vehicles on streets and highways, except parking violations, *and except traffic offenses involving a violation of section 169.121,* such judge, or duly authorized agent, shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing.

Sec. 17. Minnesota Statutes 1982, section 171.24, is amended to read:

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

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

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

*Notice of revocation, suspension, or cancellation is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, or cancellation would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.*

Sec. 18. [171.24] [VIOLATIONS; MISDEMEANORS.]

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



Sec. 19. Minnesota Statutes 1982, section 171.30, subdivision 1, is amended to read:

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

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

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

The commissioner in issuing a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic. *The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.*

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

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

Sec. 20. Minnesota Statutes 1982, section 260.195, subdivision 3, is amended to read:

Subd. 3. [DISPOSITIONS.] If the juvenile court finds that a child is a juvenile alcohol or controlled substance offender, the court may require the child to:

(a) Pay a fine of up to \$100;

(b) Participate in a community service project;

(c) Participate in a drug awareness program; or

(d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or

(e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

*In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340.731, if the child has a driver's license or permit to drive, and if the child used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's*

*driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall revoke the child's license or permit for a period of 30 days.*

None of the dispositional alternatives described in ~~this subdivision~~ *clauses (a) to (e)* shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 21. Minnesota Statutes 1982, section 340.035, is amended to read:

340.035 [PERSONS UNDER 19 YEARS; PENALTY.]

Subdivision 1. It is unlawful for any:

(1) Licensee or his employee to permit any person under the age of 19 years to consume non-intoxicating malt liquor on the licensed premises ~~except as provided in paragraph (5);~~

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of 19 years;

(3) Person to induce a person under the age of 19 years to purchase or procure non-intoxicating malt liquor;

(4) ~~Person under the age of 19 years to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;~~

(5) ~~Person under the age of 19 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;~~

(6) ~~Person under the age of 19 years to possess any non-intoxicating malt liquor, with intent to consume it at a place other than the household of his parent or guardian.~~

Subd. 2. A person violating any provision of this section is guilty of a misdemeanor.

Sec. 22. Minnesota Statutes 1982, section 340.731, is amended to read:

340.731 [PERSONS UNDER 19 YEARS, FORBIDDEN ACTS OR STATEMENTS.]

It shall be unlawful for (1) a person under the age of 19 years to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume; or

(2) a person under the age of 19 years to ~~consume any intoxicating liquor or~~ to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor ~~or non-intoxicating malt liquor; or~~

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of 19 years; or

(4) a person under the age of 19 years to have in his ~~or her~~ possession any intoxicating liquor ~~or non-intoxicating malt liquor~~, with intent to consume same at a place other than the household of his ~~or her~~ parent or guardian.

Possession of such intoxicating liquor or non-intoxicating malt liquor at a place other than the household of his or her parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his or her parent or guardian; or

*(5) a person under the age of 19 years to consume any intoxicating liquor or non-intoxicating malt liquor unless in the household of his or her parent or guardian and with the consent of his or her parent or guardian.*

Sec. 23. Minnesota Statutes 1982, section 340.732, is amended to read:

340.732 [VIOLATIONS, PENALTIES.]

Any person who ~~shall violate~~ violates any provision of section 340.731 ~~shall be deemed~~ is guilty of a misdemeanor ~~and upon conviction thereof shall be punished accordingly.~~

*In addition, any person under the age of 19 years who is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340.731 shall have his or her driver's license or permit to drive revoked by the commissioner of public safety for a period of 30 days if the person used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage.*

Sec. 24. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 1, is amended to read:

Subdivision 1. [RESULTING IN DEATH.] ~~Whoever, as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner, or in a negligent manner while under the influence of alcohol or a controlled substance as defined in section 169.121, subdivision 1, causes the death of a human being not constituting murder or manslaughter is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both. Whoever causes the death of a human being not constituting murder or manslaughter as a result of operating a vehicle as defined in section 169.01, subdivision 2, or an aircraft or watercraft,~~

*(1) in a grossly negligent manner;*

*(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or*

*(3) in a negligent manner while having an alcohol concentration of 0.10 or more,*

*is guilty of criminal vehicular operation resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

Sec. 25. Minnesota Statutes 1983 Supplement, section 609.21, subdivision 2, is amended to read:

Subd. 2. [RESULTING IN INJURY.] ~~Whoever, as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner, or in a negligent manner while under the influence of alcohol or a controlled substance as defined in section 169.121, subdivision~~

~~1. causes great bodily harm to another, as defined in section 609.02, subdivision 8; not constituting attempted murder or assault is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000 or both. Whoever causes great bodily harm to another, as defined in section 609.02, subdivision 8, not constituting attempted murder or assault as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,~~

*(1) in a grossly negligent manner;*

*(2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or*

*(3) in a negligent manner while having an alcohol concentration of 0.10 or more,*

*is guilty of criminal vehicular operation resulting in injury and may be sentenced to imprisonment for not more than three years or the payment of a fine of not more than \$3,000, or both.*

Sec. 26. [REPEALER.]

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

Sec. 27. [EFFECTIVE DATE.]

*Sections 1 to 26 are effective August 31, 1984 and apply to offenses committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting the operation of a motor vehicle by a person having an alcohol concentration of 0.10 or more; providing for mandatory testing of a driver suspected of driving under the influence of alcohol; providing for revocation of driver's license for one year upon refusal to submit to a test for alcohol; clarifying certain penalties; providing increased license revocation penalties for minors committing alcohol related traffic offenses or for persons under 19 attempting to purchase alcoholic beverages; providing for enhanced penalties for adults convicted of driving under the influence of alcohol if there are prior similar juvenile adjudications; providing that prohibitions against careless and reckless driving apply in certain parking lots and driveways; clarifying provisions of the hit and run law; providing for issuance of limited licenses; amending Minnesota Statutes 1982, sections 169.09, subdivision 4; 169.121, subdivision 4; 169.123, subdivision 4, 5a, and by adding a subdivision; 169.13, subdivision 3; 171.16, subdivision 5; 171.24; 171.30, subdivision 1; 260.195, subdivision 3; 340.035; 340.731; 340.732; Minnesota Statutes 1983 Supplement, sections 169.09, subdivisions 1, 14, and 15; 169.121, subdivisions 1, 1a, 2, and 3; 169.123, subdivisions 2 and 6; 609.21, subdivisions 1 and 2; repealing Minnesota Statutes 1982, section 169.123, subdivision 9; proposing new law coded in Minnesota Statutes, chapter 171."

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

Senate Conferees: (Signed) Lawrence J. Pogemiller, Allan H. Spear, Jim Ramstad, Clarence M. Purfeerst, Michael O. Freeman

House Conferees: (Signed) Kathleen Vellenga, Robert E. Vanasek,

Randolph W. Staten, Bert J. McKasy, David T. Bishop

Mr. Pogemiller moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1336 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Sieloff moved that the recommendations and Conference Committee Report on S.F. No. 1336 be rejected, and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 31 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knutson	Olson	Stumpf
Anderson	Diessner	Kronebusch	Peterson, D.L.	Taylor
Belanger	Frank	Laidig	Peterson, R.W.	Ulland
Berg	Frederick	Lessard	Petty	
Bertram	Frederickson	Mehrkens	Renneke	
Brataas	Isackson	Merriam	Schmitz	
Chmielewski	Jude	Moe, D. M.	Sieloff	

Those who voted in the negative were:

Berglin	Hughes	Luther	Peterson, D.C.	Vega
Bernhagen	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Moe, R. D.	Purfeerst	Wegscheid
DeCramer	Kamrath	Nelson	Ramstad	Willet
Dicklich	Knaak	Novak	Reichgott	
Dieterich	Kroening	Pehler	Solon	
Freeman	Lantry	Peterson, C.C.	Spear	

The motion did not prevail.

Mr. Sieloff moved that the recommendations and Conference Committee Report on S.F. No. 1336 be rejected, the Conference Committee discharged, and that a new Conference Committee be appointed by the Subcommittee on Committees to act with a like Conference Committee appointed on the part of the House.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Berg	Frank	Knutson	Moe, D. M.	Schmitz
Bertram	Frederick	Kronebusch	Olson	Sieloff
Brataas	Frederickson	Laidig	Peterson, R.W.	Stumpf
Chmielewski	Isackson	Lessard	Petty	
Dieterich	Jude	Merriam	Renneke	

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Novak	Reichgott
Anderson	Diessner	Langseth	Pehler	Spear
Belanger	Freeman	Lantry	Peterson, C.C.	Taylor
Berglin	Hughes	Luther	Peterson, D.C.	Ulland
Bernhagen	Johnson, D.E.	McQuaid	Peterson, D.L.	Vega
Dahl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Davis	Kamrath	Moe, R. D.	Purfeerst	Wegscheid
DeCramer	Knaak	Nelson	Ramstad	Willet

The motion did not prevail.

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

S.F. No. 1336 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bertram	Frederick	Kronebusch	Merriam	Sieloff
Chmielewski	Knutson			

So the bill, as amended by the Conference Committee, was repassed 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 new Conference Committee on House File No. 1743.

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.

The members of the Conference Committee on the part of the House are:

Sparby, Heinitz and Metzen.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1984

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1762, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1762: A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivision 3; 363.071, by adding a subdivision; 363.116; 363.14, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071, subdivision 2; and 363.072, subdivision 1; proposing new law coded in chapter 363.

Senate File No. 1762 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1984

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1386, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1386 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1984

#### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1386

A bill for an act relating to children; authorizing intervention by the juvenile court to protect children from abuse committed by family or household members; prohibiting public inspection of certain court records relating to the identity of criminal sexual conduct victims; clarifying a term in the child abuse reporting law; amending Minnesota Statutes 1982, sections 260.015, by adding subdivisions; 260.111, by adding a subdivision; and 260.191, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 626.556, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 260 and 609.

April 19, 1984

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1386, report that we have

agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1386 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 260.015, is amended by adding a subdivision to read:

*Subd. 24. [DOMESTIC CHILD ABUSE.] "Domestic child abuse" means:*

*(1) any physical injury to a minor family or household member inflicted by an adult family or household member other than by accidental means; or*

*(2) subjection of a minor family or household member by an adult family or household member to any act which constitutes a violation of sections 609.321 to 609.324, 609.342, 609.343, 609.344, 609.345, 609.364 to 609.3644, or 617.246.*

Sec. 2. Minnesota Statutes 1982, section 260.015, is amended by adding a subdivision to read:

*Subd. 25. [FAMILY OR HOUSEHOLD MEMBERS.] "Family or household members" means spouses, former spouses, parents and children, persons related by blood, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.*

Sec. 3. Minnesota Statutes 1982, section 260.111, is amended by adding a subdivision to read:

*Subd. 2a. [JURISDICTION OVER MATTERS RELATING TO DOMESTIC CHILD ABUSE.] The juvenile court has jurisdiction in proceedings concerning any alleged acts of domestic child abuse. In a jurisdiction which utilizes referees in dependency and neglect actions, the court or judge may refer actions under this subdivision to a referee to take and report the evidence in the action. If the respondent does not appear after service is duly made and proved, the court may hear and determine the proceeding as a default matter. Proceedings under this subdivision shall be given docket priority by the court.*

Sec. 4. [260.133] [PROCEDURE; DOMESTIC CHILD ABUSE.]

*Subdivision 1. [PETITION.] The local welfare agency may bring an emergency petition on behalf of minor family or household members seeking relief from acts of domestic child abuse. The petition shall allege the existence of or immediate and present danger of domestic child abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.*

*Subd. 2. [TEMPORARY ORDER.] If it appears from the notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte temporary order for protection, pending a full hearing. The court may grant relief as it deems proper, including an order:*



- (1) restraining any party from committing acts of domestic child abuse; or*
- (2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.*

*However, no order excluding the alleged abusing party from the dwelling may be issued unless the court finds that:*

- (1) the order is in the best interests of the child or children remaining in the dwelling;*
- (2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and*
- (3) the local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.*

*An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a dependency and neglect petition with the court pursuant to section 260.131, and the court shall give docket priority to the petition.*

*The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a dependency and neglect petition has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.*

*Subd. 3. [SERVICE AND EXECUTION OF ORDER.] Any order issued under this section or section 5 shall be served personally upon the respondent. Where necessary, the court shall order the sheriff or constable to assist in service or execution of the order.*

*Subd. 4. [MODIFICATION OF ORDER.] Upon application, notice to all parties, and hearing, the court may modify the terms of an existing order for protection issued under this section or section 5.*

*Subd. 5. [RIGHT TO APPLY FOR RELIEF.] The local welfare agency's right to apply for relief on behalf of a child shall not be affected by the child's leaving the dwelling or household to avoid abuse.*

*Subd. 6. [REAL ESTATE.] Nothing in this section or section 5 shall affect the title to real estate.*

*Subd. 7. [OTHER REMEDIES AVAILABLE.] Any relief ordered under this section or section 5 shall be in addition to other available civil or criminal remedies.*

*Subd. 8. [COPY TO LAW ENFORCEMENT AGENCY.] An order for protection granted pursuant to this section or section 5 shall be forwarded by the clerk of court within 24 hours to the local law enforcement agency with jurisdiction over the residence of the child.*

*Each appropriate law enforcement agency shall make available to other law enforcement officers through a system of verification, information as to the existence and status of any order for protection issued pursuant to this section or section 5.*

**Sec. 5.** Minnesota Statutes 1982, section 260.191, is amended by adding a

subdivision to read:

*Subd. 1a. [DOMESTIC CHILD ABUSE.] If the court finds that the child is a victim of domestic child abuse, as defined in section 1, it may order any of the following dispositions of the case in addition to or as alternatives to the dispositions authorized under subdivision 1:*

- (1) restrain any party from committing acts of domestic child abuse;*
- (2) exclude the abusing party from the dwelling which the family or household members share or from the residence of the child;*
- (3) on the same basis as is provided in chapter 518, establish temporary visitation with regard to minor children of the adult family or household members;*
- (4) on the same basis as is provided in chapter 518, establish temporary support or maintenance for a period of 30 days for minor children or a spouse;*
- (5) provide counseling or other social services for the family or household members; or*
- (6) order the abusing party to participate in treatment or counseling services.*

*Any relief granted by the order for protection shall be for a fixed period not to exceed one year.*

*However, no order excluding the abusing party from the dwelling may be issued unless the court finds that:*

- (1) the order is in the best interests of the child or children remaining in the dwelling;*
- (2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and*
- (3) the local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.*

Sec. 6. Minnesota Statutes 1982, section 260.191, is amended by adding a subdivision to read:

*Subd. 1b. [SUPPORT ORDERS.] If the court issues an order for protection pursuant to section 5 excluding an abusing party from the dwelling who is the parent of a minor family or household member, it shall transfer the case file to the court which has jurisdiction over proceedings under chapter 518 for the purpose of establishing support or maintenance for minor children or a spouse, as provided in chapter 518, during the effective period of the order for protection. The court to which the case file is transferred shall schedule and hold a hearing on the establishment of support or maintenance within 30 days of the issuance of the order for protection. After an order for support or maintenance has been granted or denied, the case file shall be returned to the juvenile court, and the order for support or maintenance, if any, shall be incorporated into the order for protection.*

Sec. 7. [260.271] [VIOLATION OF AN ORDER FOR PROTECTION.]

*Subdivision 1. [VIOLATION; PENALTY.] Whenever an order for protection is granted pursuant to section 4 or 5 restraining the person or exclud-*

ing the person from the residence, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor.

*Subd. 2. [ARREST.] A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to section 4 or 5 restraining the person or excluding the person from the residence, if the existence of the order can be verified by the officer.*

*Subd. 3. [CONTEMPT.] A violation of an order for protection shall also constitute contempt of court and the person violating the order shall be subject to the penalties for contempt.*

*Subd. 4. [ORDER TO SHOW CAUSE.] Upon the filing of an affidavit by the agency or any peace officer, alleging that the respondent has violated an order for protection granted pursuant to section 4 or 5, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why he should not be found in contempt of court. The hearing may be held by the court in any county in which the child or respondent temporarily or permanently resides at the time of the alleged violation.*

*A peace officer is not liable under section 609.43, clause (1), for failure to perform a duty required by subdivision 2 of this section.*

Sec. 8. Minnesota Statutes 1983 Supplement, section 388.051, subdivision 2, is amended to read:

*Subd. 2. [SPECIAL PROVISION; GROSS MISDEMEANORS.] In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall ~~only~~ prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; ~~and~~ 609.41; and 617.247.*

Sec. 9. [609.3471] [RECORDS PERTAINING TO VICTIM IDENTITY CONFIDENTIAL.]

*Notwithstanding any provision of law to the contrary, none of the records or reports relating to complaints or indictments issued pursuant to sections 609.342, clauses (a) or (b); 609.343, clauses (a) or (b); 609.344, clauses (a) or (b); 609.345, clauses (a) or (b); or 609.3641 to 609.3644, pertaining to the identity of the victim shall be open to public inspection, except by order of the court.*

Sec. 10. Minnesota Statutes 1983 Supplement, section 626.556, subdivision 2, is amended to read:

*Subd. 2. {DEFINITIONS.} As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:*

*(a) "Sexual abuse" means the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. Sexual abuse also includes any act which involves a minor which constitutes*

a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means a parent, guardian, teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting *whether paid or unpaid*, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (i) mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, or (ii) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter or medical care, a duty to provide that care.

(d) "Physical abuse" means:

(i) Any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the child's history of injuries.

(e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of public welfare.

#### Sec. 11. [EFFECTIVE DATE.]

*Sections 1 to 7 apply to acts of domestic child abuse committed on or after August 1, 1984. Sections 8 to 10 are effective August 1, 1984."*

Delete the title in its entirety and insert:

"A bill for an act relating to children; authorizing intervention by the juvenile court to protect children from abuse committed by family or household members; providing for prosecution by the county attorney of certain gross misdemeanors; prohibiting public inspection of certain court records relating to the identity of criminal sexual conduct victims; clarifying a term in the child abuse reporting law; amending Minnesota Statutes 1982, sections 260.015, by adding subdivisions; 260.111, by adding a subdivision; 260.191, by adding subdivisions; and Minnesota Statutes 1983 Supplement, sections 388.051, subdivision 2; and 626.556, subdivision 2; proposing new law coded in Minnesota Statutes, chapters 260 and 609."

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

House Conferees: (Signed) Janet Clark, Lee Greenfield, Connie Levi

Senate Conferees: (Signed) Eric D. Petty, Ember D. Reichgott, Jim Ramstad

Mr. Petty moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1386 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1386 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1425, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1425 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1984

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1425

A bill for an act relating to agriculture; providing for alternative methods for establishing the value of milk purchased from producers; amending Minnesota Statutes 1982, section 32.25, subdivision 1.

April 19, 1984

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1425, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1425 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 32.25, subdivision 1, is amended to read:

Subdivision 1. [MILK FAT, AND NONFAT PROTEIN, AND SOLIDS NOT FAT BASES OF PAYMENT; TESTS.] All milk and cream purchased from producers, and all milk, cream, skim milk, and buttermilk purchased by one dairy plant from another dairy plant for the purpose of resale as such, or for manufacture into dairy products, shall be purchased by weight and payment shall be made therefor upon the basis of milk fat therein contained in the case of milk and cream, and on the basis of nonfat milk solids contained therein in the case of skim milk and buttermilk; provided, that in purchasing whole milk the purchase price of such milk shall be based upon the declared purchase price of 100 pounds of whole milk (1) calculated at three and one-half pounds of milk fat per hundredweight, or (2) calculated at three and one-half pounds of milk fat per hundredweight and the nonfat solids contained therein. The latter basis shall be used only after the commissioner has promulgated, as provided in this subdivision, rules and regulations for the testing of nonfat solids. When the milk fat test of such whole milk varies from 3.5 percent, a uniform adjustment in the declared purchase price shall be made for each one-tenth of one percent of milk fat above or below 3.5 percent.

The percentage of milk fat in such milk and cream shall be determined as follows: (1) By the Babcock test and by employing a standard official method for operating this test, which method shall be that adopted, prescribed, and set forth, with specifications in detail, in the rules and regulations from time to time made and published by the commissioner in the manner provided by law; or (2) by alternative tests which not only determine the percentage of milk fat but also determine the amount of nonfat solids, when the commissioner is satisfied that these alternative tests are consistently as accurate as the Babcock test in determining the percentage of milk fat. The amount of nonfat milk solids in skim milk and buttermilk shall be determined by methods provided for herein. The tests shall be performed in the manner and with equipment prescribed by rules and regulations promulgated by the commissioner in the manner provided by law.

*All milk and cream purchased from producers shall be purchased by weight and one or more of the following methods:*

(1) *payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat;*

(2) *payment of a standard rate with uniform differentials for milk testing above or below 3.5 percent milk fat and above or below a base percent protein;*

(3) *payment of a standard rate with uniform differentials for milk testing*

above or below 3.5 percent milk fat and above or below a base percent solids not fat.

*In addition, an adjustment to the milk price may be made on the basis of milk quality, and the component price payment may be subject to the milk quality.*

*Testing procedures for determining the percentages of milk fat, protein, and milk solids not fat shall be adopted by rule.*

## Sec. 2. [EFFECTIVE DATE.]

*Clauses (2) and (3) of Minnesota Statutes, section 32.25, subdivision 1, as amended by section 1, are effective upon adoption of the Upper Midwest (68), Eastern South Dakota (76), Chicago Area (30), and Iowa (79) Federal Milk Orders which would permit pricing by all purchasers from producers on a basis other than weight and milk fat content."*

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

House Conferees: (Signed) Rick Krueger, Stephen G. Wenzel, Jerry Graba

Senate Conferees: (Signed) Darril Wegscheid, John Bernhagen, LeRoy A. Stumpf

Mr. Wegscheid moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1425 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1425 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

## MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1257, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1257 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1984

### CONFERENCE COMMITTEE REPORT ON 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.

April 19, 1984

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1257, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1257 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [184A.01] [DEFINITIONS.]

*Subdivision 1. [TERMS DEFINED.] For the purposes of sections 2 to 20 and unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases have the meanings given them in this section.*

*Subd. 2. [ARTIST.] “Artist” refers to musical artists, musical organizations, musical directors, composers, lyricists, and arrangers.*

*Subd. 3. [DEPARTMENT.] “Department” means the department of labor and industry.*

*Subd. 4. [ENGAGEMENT.] “Engagement” means an engagement or employment of a person as a musician or musical artist.*

*Subd. 5. [ENTERTAINMENT AGENCY.] “Entertainment agency” means a person or persons who engage in the occupation of procuring, offering, promising, or attempting to procure employment or engagements 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. Entertainment agencies may, in addition, counsel or direct artists in the development of their professional careers.*

*Subd. 6. [FEE.] “Fee” means money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by a person*



*conducting the business of an entertainment agency under this act.*

*Subd. 7. [LICENSE.] "License" means a license issued by the department of labor and industry to carry on the business of an entertainment agency under this act.*

*Subd. 8. [LICENSEE.] "Licensee" means an entertainment agency which holds a valid, unrevoked, and unforfeited license under this act.*

*Subd. 9. [PERSON.] "Person" includes an individual, firm, corporation, partnership, or association.*

## **Sec. 2. [184A.02] [LICENSE REQUIREMENT.]**

*No person shall engage in or carry on the occupation of an entertainment agency without procuring a license from the department of labor and industry for each agency location. This license shall be posted in a conspicuous place in the office of the licensee.*

## **Sec. 3. [184A.03] [EXISTING AGENCIES.]**

*Entertainment agents who are actually engaged in or acting as entertainment agents or counselors and members, shareholders, officers, and directors of a firm, partnership, association, or corporation actively engaged in the business of an entertainment agency on the effective date of this act shall be deemed to comply with its provisions provided they shall obtain a license as provided by sections 4 to 10 within a period of six months from the effective date of this act.*

## **Sec. 4. [184A.04] [LICENSE APPLICATIONS.]**

*Subdivision 1. [CONTENTS.] Applicants for an entertainment agent's license or renewal shall file with the department a written application in a form prescribed by the department stating:*

- (a) the name and address of the applicant;*
- (b) the street and number of the building or place where the business of the entertainment agency is to be conducted;*
- (c) the name of the person who is to have the general management of the office;*
- (d) the name under which the business of the office is to be carried on;*
- (e) whether or not the applicant has a financial interest in another business of a similar nature and, if so, where;*
- (f) the business or occupation of the applicant for at least two years immediately preceding the date of application;*
- (g) if the applicant is other than a corporation, the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the entertainment agency in question, together with the amount of their respective interests; and*
- (h) if the applicant is a corporation, the corporate name, the names, residential addresses, and telephone numbers of officers of the corporation, and the names and addresses of persons having a financial interest of ten percent*

or more in the business, and the percentage of financial interest owned by these persons.

*Subd. 2. [SIGNATURES.] The application shall be signed and sworn to before a notary public by the applicant or, if a partnership, by all of the partners or, if a corporation, by the president and secretary.*

*Subd. 3. [AFFIDAVITS.] The application must be accompanied by affidavits of at least two reputable persons, neither of whom is related to the applicant.*

#### Sec. 5. [184A.05] [FEE SCHEDULES.]

*Applicants for a license to engage in the business of an entertainment agent shall, at the time of making application, file with the department a schedule of fees to be charged and collected in the conduct of this occupation, together with rules and regulations that may affect the fees charged or to be charged for service. Changes in the schedule may be made from time to time, but no change shall become effective until seven days after the date of its filing with the department. It shall be unlawful for an entertainment agency to charge, demand, collect, or receive a greater compensation for service performed than is specified in the schedule filed with the department.*

#### Sec. 6. [184A.06] [CONTRACT FORM.]

*Subdivision 1. [DEPARTMENT APPROVAL.] Entertainment agencies shall submit to the department a form or forms of contract to be utilized in entering into written contracts with artists for the employment of the services of the entertainment agency by the artists and the contract to be utilized for employment engagements secured by the agency for the artist. Approval by the department of the proposed contract form shall not be withheld unless the contract is unfair, unjust, or oppressive to the artist.*

*Subd. 2. [ARBITRATION.] Contract forms shall contain a provision setting forth a procedure for resolution of disputes before an arbitrator mutually agreed upon by the parties. The arbitrator's decision shall be final and binding upon the parties.*

*Subd. 3. [NOTIFICATION OF LICENSE.] There shall be printed on the face of the contract in prominent type the following: "This entertainment agency is licensed by the department of labor and industry of the state of Minnesota."*

#### Sec. 7. [184A.07] [INVESTIGATION.]

*Upon receipt of an application for a license, the department may cause an investigation to be made as to the character and responsibility of the applicant, and of the premises designated in the application as the place in which it is proposed to conduct the business of the entertainment agency.*

#### Sec. 8. [184A.08] [TERM OF LICENSE; EXPIRATION.]

*The license when first issued shall run to the next birthday of the applicant. The license shall then be renewed within the 30 days preceding the licensee's birthday and shall run from birthday to birthday. In case the applicant is a partnership, the license shall be renewed within the 30 days preceding the birthday of the oldest partner. If the applicant is a corporation, the license shall be renewed within the 30 days preceding the anniversary of the date the*

corporation was lawfully formed. Renewal shall require the filing of an application for renewal, a renewal bond, and the payment of the annual license fee, but the department may require that a new application or a new bond be submitted.

Sec. 9. [184A.09] [LICENSE FEES.]

Before a license shall be granted to an applicant, the applicant shall pay a filing fee of \$25 and a license fee of \$200.

An application for consent to transfer or assign a license shall be accompanied by a \$25 filing fee.

Sec. 10. [184A.10] [BONDS.]

Applications for an entertainment agency license shall be accompanied by a bond in the penal sum of \$10,000 with one or more sureties or a duly authorized surety company to be approved by the department and filed in the office of the secretary of state, conditioned that the entertainment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as an entertainment agency will conform to and not violate sections 2 to 19 or violate the covenants of a contract made by an entertainment agent in the conduct of business. Action on this bond may be brought by, and prosecuted in the name of, a person damaged by a breach of a condition of the bond. Successive actions may be maintained.

The secretary of state shall be paid a filing fee of \$5 per bond in addition to the fees outlined in section 9.

Sec. 11. [184A.11] [TRANSFER.]

No licensee shall sell, transfer, or give away an interest in, or the right to participate in the profits of, the entertainment agency without the written consent of the department. Consent may be withheld for any reason for which an original application for a license might have been rejected if the person in question had been mentioned in it.

Sec. 12. [184A.12] [ISSUANCE; REFUSAL; REVOCATION; SUSPENSION.]

The department shall issue a license as an entertainment agent, to a person who qualifies for the license under the terms of sections 4 to 10. The department may refuse to issue an entertainment agency license when, after due investigation, the department finds that the character of the applicant makes him unfit to be an entertainment agent, or when the premises for conducting the business of an entertainment agent is found upon investigation to be unfit for this use. No agency license shall be issued to a person, firm, corporation, or association that has, within the past three years, been convicted of fraud or felony. No license shall be issued to an attorney whose license to practice law has been suspended or revoked, for a period of three years after the date of the suspension or revocation. The department may refuse to issue a license to a person or may suspend or revoke the license of a entertainment agent when it finds that any of the following conditions exist:

(a) the entertainment agent has violated a condition of the bond required by section 10;

(b) the person or entertainment agent has personally engaged in a fraudu-

lent, deceptive, or dishonest practice;

(c) the person or entertainment agent has violated any provisions of sections 2 to 19; or

(d) the person or entertainment agent has been legally adjudicated incompetent and has not been restored to capacity.

*This section shall not be construed to relieve a person from civil liability or from criminal prosecution under the laws of this state. A violation of this section shall be treated as a violation of section 325F.69.*

#### Sec. 13. [184A.13] [PROCEDURE FOR SUSPENSION OR REVOCATION.]

*Subdivision 1. [INCOMPETENCY.] Upon an adjudication of incompetency, revocation shall be automatic and shall be permanent except that in the event of restoration to capacity a license may be reissued to such person on payment of all fees.*

*Subd. 2. [OTHER CASES.] In all other cases the department may not refuse to issue a license or suspend or revoke a license unless it furnishes the person or entertainment agent with a written statement of the charges against him and affords him an opportunity to be heard on the charges. He shall be given at least ten days' written notice of the date and time of the hearing. The notice shall be sent by certified mail to the address of the person as shown on his application for license or it may be served in the manner in which a summons is served in civil cases commenced in the district court.*

*Subd. 3. [HEARING.] At the hearing, the person or entertainment agent whose license application or continuance is in question shall have the right to appear personally and be represented by counsel and to cross-examine witnesses against him and to produce evidence and witnesses in his defense, and shall have the right to have witnesses subpoenaed, which subpoena shall be issued by the commissioner.*

#### Sec. 14. [184A.14] [APPEAL TO DISTRICT COURT.]

*If the department refuses to grant a license, or suspends or revokes a license that has been granted, the applicant shall have the right of appeal to the district court of the county of the applicant's residence. If the applicant is not a resident of the state, he may appeal to the district court for Ramsey county. The court shall advance cases on their calendars for early disposition. In counties having continuous sessions of court, the cases shall be heard within 20 days after appeal is perfected. Appeal shall be perfected by the service of a written notice of appeal upon the commissioner of labor and industry within 60 days after notice to the applicant of the department's action.*

#### Sec. 15. [184A.15] [RECORDS.]

*Subdivision 1. [DEPARTMENT RECORDS.] The department shall keep a record of its proceedings which shall be open to the public for inspection at reasonable times, and a register of applicants for licenses. Records shall include the name and address of the applicants, the date of application, place of business, place of residence, whether the applicant was rejected or a license granted, and the date the license was granted.*

*Subd. 2. [ENTERTAINMENT AGENCY RECORDS.] Entertainment*

agencies shall keep records approved by the department in which shall be entered:

- (a) the name and address of each artist employing the agency;
- (b) the amount of fee received from the artist;
- (c) the employment in which the artist is engaged at the time of employing the agency, and the amount of the artist's compensation in the employment, if any; and
- (d) the employments subsequently secured by the artist during the term of the contract between the artist and the entertainment agency, and the amount of compensation received by the artist.

Sec. 16. [184A.16] [POWERS AND DUTIES OF THE DEPARTMENT.]

*It is the duty of the department to administer the provisions of this act. The department shall have the power to compel the attendance of witnesses by the issuance of subpoenas, to administer oaths, and to take testimony and proofs concerning matters within its jurisdiction. The department shall affix an official seal to certificates or licenses granted and shall make rules not inconsistent with law needed to perform its duties.*

Sec. 17. [SUPERVISORY AND INVESTIGATIVE AUTHORITY.]

*The department shall have supervisory and investigative authority over entertainment agents. The department shall have the right to examine only those records required to be kept by this act.*

Sec. 18. [AGENCY CONDUCT.]

*Subdivision 1. [UNLAWFUL EMPLOYMENT.] No entertainment agent shall place or assist in placing a person in unlawful employment.*

*Subd. 2. [STRIKE OR LOCKOUT.] No entertainment agent shall fail to state in an advertisement, proposal, or contract for employment, that there is a strike or lockout at the place of proposed employment if he has knowledge that this condition exists.*

*Subd. 3. [REPAYMENT.] In the event that an entertainment agency shall collect from an artist a fee or expenses for obtaining employment for the artist, and the artist shall fail to procure the employment, or the artist shall fail to be paid for the employment, the entertainment agency shall, upon demand, repay to the artist the full amount of the fee and expenses actually collected.*

*Subd. 4. [ACTIONS.] Actions brought in any court against a licensee may be brought in the name of the person damaged upon the bond deposited with the state by the licensee, and may be transferred and assigned as other claims for damages. The amount of damages claimed by plaintiff, and not the penalty named in the bond, determines the jurisdiction of the court in which the action is brought.*

*Subd. 5. [SERVICE ON DEPARTED LICENSEE.] When a licensee has departed from the state with intent to defraud creditors or to avoid service of summons in an action brought under this act, service shall be made upon the surety as prescribed in the rules of civil procedure. A copy of the summons shall be mailed to the licensee at the last known post office address of his*

*residence and also at the place where the business of the entertainment agency was conducted as shown by the records of the department. Service is complete as to the licensee, after mailing, at the expiration of the time prescribed by the rules of civil procedure for service of summons in the particular court in which suit is brought.*

#### Sec. 19. [ARBITRATION PURSUANT TO CONTRACT CLAUSE.]

*A provision in a contract providing for the decision by arbitration of a controversy under the contract or as to its existence, validity, construction, performance, nonperformance, breach, operation, continuance, or termination, shall be valid if the provision is contained in a contract between an entertainment agency and a person for whom the agency under the contract undertakes to endeavor to secure employment.*

#### Sec. 20. [PENALTY.]

*A person, agent, or officer of an agent, who violates any provision of this act is guilty of a misdemeanor, punishable by a fine of not less than \$25 nor more than \$250 or imprisonment for a period of not more than 60 days, or both.*

*A person, firm, or corporation who shall split, divide, or share, directly or indirectly, a fee, charge, or compensation received from an employee with an employer, or person in any way connected with the business, shall be punished by a fine of not less than \$500, and not more than \$1,000, or, on failure to pay the fine, by imprisonment for a period not to exceed one year, or both, at the discretion of the court."*

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

House Conferees: (Signed) James I. Rice, Joel Jacobs, David Jennings

Senate Conferees: (Signed) Sam G. Solon, Conrad M. Vega, Gen Olson

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1257 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1257 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 46 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	McQuaid	Pogemiller	Taylor
Belanger	Johnson, D.E.	Moe, D. M.	Purfeerst	Ulland
Bernhagen	Jude	Moe, R. D.	Reichgott	Vega
Chmielewski	Knaak	Nelson	Renneke	Waldorf
Dicklich	Kronebusch	Novak	Samuelson	Wegscheid
Diessner	Laidig	Olson	Schmitz	Willet
Dieterich	Langseth	Pehler	Sieloff	
Frank	Lantry	Peterson, D.C.	Solon	
Frederick	Lessard	Peterson, D.L.	Spear	
Freeman	Luther	Petty	Stumpf	

Those who voted in the negative were:

Benson  
Isackson

Kamrath

Mehrkens

Merriam

Ramstad

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 1520: A bill for an act relating to motor vehicles; defining terms; increasing certain gross vehicle weight tax to comply with international registration plan; authorizing repair and servicing permit for commercial zone trucks; providing time limitation for applying for quarterly registration of farm trucks; increasing certain fees; clarifying display and use of drive-away, in-transit plates; clarifying requirement to submit forms to registrar of motor vehicles; prohibiting transfer of certain plates; providing for transfer of amateur radio and citizen band plates; prescribing uniform fee for issuance of duplicate plates except for exempt vehicles; eliminating certain provisions relating to motor vehicle brokers; increasing minimum tax requirements for qualification for installment payments and prescribing a fee; increasing penalty fees for late installment payments; clarifying certain duties of deputy registrars relating to reports and deposits of taxes and fees; requiring payment of one month's registration tax before issuance of certificate of title; allowing certain vehicles to operate with an extended bug deflector; requiring protective headgear to comply with standards established by the commissioner of public safety; amending Minnesota Statutes 1982, sections 168.011, subdivisions 9 and 13; 168.013, subdivision 16; 168.018; 168.041, subdivision 6; 168.053, subdivision 1; 168.10, subdivisions 1a, 1b, 1c, and 1d; 168.101, subdivision 2; 168.12, subdivisions 1 and 2b; 168.27, subdivisions 2 and 3; 168.29; 168.31, subdivision 4; 168.33, subdivision 2; 168A.08; 169.01, subdivisions 10, 11, and 50; and 169.743; Minnesota Statutes 1983 Supplement, sections 168.013, subdivision 1e; 168.12, subdivision 2; 169.73; and 169.974, subdivisions 2 and 6; repealing Minnesota Statutes 1982, sections 168.27, subdivision 5; 169.672 and 169.755.

Senate File No. 1520 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

### CONCURRENCE AND REPASSAGE

Mr. Purfeerst moved that the Senate concur in the amendments by the House to S.F. No. 1520 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1520: A bill for an act relating to motor vehicles; defining terms; increasing certain gross vehicle weight tax to comply with international registration plan; authorizing repair and servicing permit for commercial zone trucks; providing time limitation for applying for quarterly registration of

farm trucks; increasing certain fees; clarifying display and use of drive-away, in-transit plates; clarifying requirement to submit forms to registrar of motor vehicles; prohibiting transfer of certain plates; providing for transfer of amateur radio and citizen band plates; prescribing uniform fee for issuance of duplicate plates except for exempt vehicles; increasing minimum tax requirements for qualification for installment payments and prescribing a fee; increasing penalty fees for late installment payments; clarifying certain duties of deputy registrars relating to reports and deposits of taxes and fees; requiring payment of one month's registration tax before issuance of certificate of title; authorizing certain replacement bumpers; requiring protective headgear to comply with standards established by the commissioner of public safety; amending Minnesota Statutes 1982, sections 168.011, subdivisions 9 and 13; 168.013, subdivision 16; 168.018; 168.041, subdivision 6; 168.053, subdivision 1; 168.09, subdivisions 2 and 3; 168.10, subdivisions 1, 1a, 1b, 1c, and 1d; 168.101, subdivision 2; 168.12, subdivisions 1 and 2b; 168.27, subdivisions 2, 3, and 10; 168.29; 168.31, subdivisions 1 and 4; 168.33, subdivision 2; 168A.08; 169.01, subdivisions 10, 11, and 50; 169.59, subdivision 3; 169.743; Minnesota Statutes 1983 Supplement, sections 168.013, subdivision 1e; 168.12, subdivision 2; 169.73, subdivision 4; and 169.974, subdivisions 2 and 6; repealing Minnesota Statutes 1982, sections 168.27, subdivision 5; 168.31, subdivision 3; 169.672; 169.755; and Minnesota Statutes 1983 Supplement, section 168.46.

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 49 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lantry	Peterson, C.C.	Schmitz
Belanger	Freeman	Lessard	Peterson, D.C.	Spear
Benson	Hughes	Luther	Peterson, D.L.	Stumpf
Berglin	Isackson	McQuaid	Peterson, R.W.	Taylor
Bernhagen	Johnson, D.E.	Mehrrens	Petty	Ulland
Chmielewski	Jude	Moe, R. D.	Purfeerst	Vega
Dicklich	Kamrath	Nelson	Ramstad	Waldorf
Diessner	Kronebusch	Novak	Reichgott	Wegscheid
Dieterich	Laidig	Olson	Renneke	Willet
Frank	Langseth	Pehler	Samuelson	

Messrs. Merriam and Moe, D. M. voted in the negative.

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. 1408: A bill for an act relating to state government; recodifying the laws governing the department of administration; allowing the commissioner of administration to transfer to local government units certain sup-



plies, materials, and equipment; allowing the commissioner of administration to charge a price sufficient to cover costs when selling copies of laws and resolutions; allowing the commissioner of administration to lease office space and purchase supplies and equipment without the approval of the governor; allowing the commissioner of administration to provide for the use of certain motor vehicles by the governor and lieutenant governor; relating to the use of state vehicles and compensation for use of personal vehicles; including in the definition of the term "employee" for purposes of workers' compensation a voluntary uncompensated worker accepted by the commissioner of administration; providing for criminal and juvenile defense grants to be administered by the board of public defense; specifying the United States department of labor as the entity which designates a labor surplus area; amending Minnesota Statutes 1982, sections 16A.065; and 645.445, subdivision 5; and Minnesota Statutes 1983 Supplement, section 176.011, subdivision 9; proposing new law coded in Minnesota Statutes, chapters 16A and 611; proposing new law coded as Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1982, sections 16.01; 16.011; 16.012; 16.014; 16.02; subdivisions 1, 2, 2a, 3, 4, 5, 5a, 6, 6a, 6b, 7, 8, 9, 10, 13, 15, 16, 17, 18, 19, 24, 25, 26, and 27; 16.021; 16.022; 16.023; 16.0231; 16.024; 16.025; 16.026; 16.028; 16.03; 16.04; 16.05; 16.06; 16.061; 16.062; 16.063; 16.064; 16.065; 16.066; 16.068; 16.07; 16.073; 16.075; 16.08; 16.081; 16.082; 16.083, subdivision 2; 16.086, subdivision 2; 16.09; 16.095; 16.096; 16.098, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, and 11; 16.12; 16.125; 16.135; 16.139; 16.172; 16.21; 16.22; 16.23; 16.24; 16.243; 16.244; 16.251; 16.281; 16.32, subdivisions 1, 3, and 4; 16.34; 16.365; 16.381; 16.51; 16.52; 16.53; 16.54; 16.55; 16.56; 16.71; 16.72; 16.723; 16.73; 16.75, subdivisions 1, 2, 3, 4, 5, 6, and 8; 16.753, subdivisions 1, 2, 4, 5, and 6; 16.756; 16.76; 16.77; 16.78; 16.80; 16.81; 16.811; 16.82, subdivision 2; 16.821; 16.822; 16.823; 16.824; 16.825; 16.826; 16.827; 16.83; 16.84; 16.85; 16.851, subdivisions 1 and 2; 16.854; 16.86; 16.861, subdivisions 1, 2, 4, 5, 6, and 7; 16.862; 16.8632; 16.864; 16.865; 16.866, subdivision 2; 16.867; 16.868; 16.869; 16.871; 16.872, subdivisions 1, 2, and 3; 16.874; 16.88; 16.89; 16.90, subdivisions 1, 2, and 3; 16.931; 16.94; 16.95; 16.955; 16.96; and 16.97; and Minnesota Statutes 1983 Supplement, sections 16.02, subdivisions 10a, 14, 28, and 29; 16.072; 16.0721; 16.083, subdivisions 1, 1a, 3, 4, 4a, 4b, 5 and 6; 16.084; 16.085; 16.086, subdivision 1; 16.092; 16.098, subdivision 4; 16.28; 16.32, subdivision 2; 16.321; 16.75, subdivisions 7 and 9; 16.753, subdivision 3; 16.82, subdivision 1; 16.851, subdivision 3; 16.861, subdivision 3; 16.863; 16.866, subdivision 1; 16.872; 16.90, subdivision 4; 16.91; and 16.911.

Senate File No. 1408 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

### CONCURRENCE AND REPASSAGE

Mr. Moe, D.M. moved that the Senate concur in the amendments by the House to S.F. No. 1408 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1408 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 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.

Senate File No. 1298 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

### CONCURRENCE AND REPASSAGE

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

House to S.F. No. 1298 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1298 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 41 and nays 13, as follows:

Those who voted in the affirmative were:

Belanger	Freeman	Kronebusch	Peterson, C.C.	Sieloff
Benson	Hughes	Laidig	Peterson, D.C.	Stumpf
Berglin	Isackson	Lessard	Pogemiller	Taylor
Brataas	Johnson, D.E.	Luther	Purleerst	Vega
Chmielewski	Johnson, D.J.	McQuaid	Ramstad	Waldorf
Dahl	Jude	Mehrrens	Reichgott	
Dicklich	Kamrath	Moe, R. D.	Renneke	
Diessner	Knaak	Nelson	Samuelson	
Frederick	Kroening	Olson	Schmitz	

Those who voted in the negative were:

Anderson	Frank	Novak	Peterson, R.W.	Willet
Bernhagen	Knutson	Pehler	Petty	
Dieterich	Merriam	Peterson, D.L.	Wegscheid	

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. 1418: A bill for an act relating to public welfare; authorizing the alcohol and drug abuse section of the department of public welfare to collect certain information; establishing an American Indian advisory council relating to chemical dependency policies; clarifying the evaluation functions of the commissioner of public welfare with respect to chemical dependency policies; amending Minnesota Statutes 1982, sections 254A.03; 254A.05, subdivision 1; 254A.07; 254A.16, subdivisions 1 and 2; and proposing new law coded in Minnesota Statutes, chapter 254A.

Senate File No. 1418 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1984

## CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 1418 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1418 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 5:30 p.m. The motion prevailed.

The hour of 5:30 p.m. having arrived, 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. 1743: Messrs. Peterson, R.W.; Knutson and Stumpf.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Reichgott introduced—

Senate Resolution No. 110: A Senate resolution congratulating the Robinsdale-Armstrong Senior High School team for placing second in the Third Annual Minnesota Future Problem Solving State Bowl.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Diessner, Anderson, Belanger, Petty and Kamrath introduced—

S.F. No. 2219: A bill for an act relating to damages arising from personal injury in civil actions; providing for calculation of the damage award; proposing new law coded in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

Mr. Diessner introduced—

S.F. No. 2220: A bill for an act relating to health; requiring an environmental education and information program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Johnson, D.E. and Ramstad introduced—

S.F. No. 2221: A bill for an act relating to elections; providing for a presidential primary election; changing the state primary date; amending Minnesota Statutes 1982, sections 204D.03, subdivision 1, and by adding a subdivision; and 204D.08; Minnesota Statutes 1983 Supplement, section 204D.06; repealing Minnesota Statutes 1982, sections 202A.12; 202A.13; 202A.135; 202A.14, subdivisions 2 and 3; 202A.15; 202A.16; 202A.17; 202A.18; 202A.192; and Minnesota Statutes 1983 Supplement, sections 202A.14, subdivision 1; and 202A.19.

Referred to the Committee on Elections and Ethics.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that H.F. No. 1766 be taken from the table and given its second reading. The motion prevailed.

H.F. No. 1766: 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 coded in Minnesota Statutes, chapter 471.

H.F. No. 1766 was read the second time.

### SUSPENSION OF RULES

Ms. Berglin moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1766 and that the rules of the Senate be so far suspended as to give H.F. No. 1766 its third reading and place it on its final passage. The motion prevailed.

Mr. Chmielewski moved to amend H.F. No. 1766 as follows:

Page 5, after line 17, insert:

“Sec. 11. [TOWN OF WINDEMERE; POWERS.]

*The town of Windemere in Pine County may exercise the powers of a town provided by Minnesota Statutes, section 368.01, and other laws referring to section 368.01, except section 340.11, subdivision 10b.*

Sec. 12. [EFFECTIVE DATE.]

*Section 11 is effective, if it is approved by the electors of the town at the annual town meeting, the day after compliance with Minnesota Statutes, section 645.021, subdivision 3."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "permitting the town of Windemere to have the powers of a metropolitan area town;"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski then moved to amend H.F. No. 1766 as follows:

Page 2, lines 15 and 32, delete "*shall*" and insert "*is encouraged to*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 3 and nays 58, as follows:

Messrs. Chmielewski, Isackson and Lessard voted in the affirmative.

Those who voted in the negative were:

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

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

H.F. No. 1766 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

H.F. No. 1587: A bill for an act relating to state government; ratifying state

labor agreements and compensation plans; providing for interim approval of certain negotiated agreements and compensation plans; making a change in the state unit composition schedule.

Ms. Berglin moved to amend H.F. No. 1587 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1982, section 126.10, is amended to read:

126.10 [SPECIAL DAYS.]

The following days or the school days nearest to them are designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Ericson Day, ~~January 15 as Martin Luther King, Jr. Day,~~ and February 15 as Susan B. Anthony Day. On these days schools may offer instruction and programs in commemoration of the life and history of the respective persons and the principles and ideals they fostered.

Sec. 2. Minnesota Statutes 1982, section 126.13, is amended to read:

126.13 [CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.]

The governing body of any district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: *Martin Luther King's birthday*, Lincoln's and Washington's birthdays, Columbus Day and Veterans' Day, provided that on *Martin Luther King's birthday*, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program be devoted to a patriotic observance of the day.

Sec. 3. Minnesota Statutes 1982, section 136.22, is amended to read:

136.22 [CLASSES ON HOLIDAYS.]

The state university board is hereby authorized to conduct classes in the several state colleges on either or any of the following holidays: *Martin Luther King's Birthday*, Lincoln's Birthday, Washington's Birthday, Columbus Day, and Veterans Day, provided that when classes are held on *Martin Luther King's Birthday*, Washington's Birthday, Lincoln's Birthday, or Veterans Day, that at least one hour of the school day be devoted to a patriotic observance of that day.

Sec. 4. Minnesota Statutes 1982, section 645.44, subdivision 5, is amended to read:

Subd. 5. [HOLIDAYS.] “Holiday” includes New Year's Day, January 1; *Martin Luther King's birthday*, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Christopher Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25; provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and, provided, when New Year's Day, January 1; or Indepen-

dence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. No public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon. However, for the executive branch of the state of Minnesota, "holiday" also includes the Friday after Thanksgiving but does not include Christopher Columbus Day. Other branches of state government and political subdivisions shall have the option of determining whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. Where it is determined that Columbus Day or the Friday after Thanksgiving is not a holiday, public business may be conducted thereon.

Any agreement between a public employer and an employee organization citing Veterans Day as the fourth Monday in October shall be amended to cite Veterans Day as November 11.

#### Sec. 5. [EFFECTIVE DATE.]

*Sections 1 to 4 are effective January 1, 1986."*

Delete the title and insert:

"A bill for an act relating to public employment; providing that no public business shall be conducted on Martin Luther King's birthday; allowing school districts and state colleges to conduct classes on Martin Luther King's birthday provided there is a patriotic observance of the day; amending Minnesota Statutes 1982, sections 126.10; 126.13; 136.22; and 645.44, subdivision 5."

Mr. Frederick questioned whether the amendment was germane. The President ruled the amendment was germane.

The question recurred on the Berglin amendment. The motion prevailed. So the amendment was adopted.

H.F. No. 1587 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 new Conference Committee on:

S.F. No. 1349: A bill for an act relating to liquor; abolishing prohibition on furnishing liquor to certain persons and exclusion of certain persons from liquor establishments after notice; amending Minnesota Statutes 1982, section 340.601; repealing Minnesota Statutes 1982, sections 340.73, subdivision 2; 340.78; and 340.81.

The members of the Conference Committee on the part of the House are:

Jacobs, O'Connor, Sarna, Metzen and Wigley.

Senate File No. 1349 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1984

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that the name of Mr. Pogemiller be added as a co-author to S.F. No. 1687. The motion prevailed.

Ms. Peterson, D.C. moved that S.F. No. 1754, No. 26 on Special Orders, be stricken and laid on the table. The motion prevailed.

Ms. Peterson, D.C. moved that S.F. No. 497, No. 60 on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Merriam moved that S.F. No. 1605, No. 58 on Special Orders, be stricken and laid on the table. The motion prevailed.

Ms. Berglin moved that S.F. No. 1687, No. 53 on Special Orders, be stricken and laid on the table. The motion prevailed.

### MEMBERS EXCUSED

Mr. Dahl was excused from the Session of today from 10:00 to 10:40 a.m. and 4:15 to 4:40 p.m. Mr. Pogemiller was excused from the Session of today from 1:00 to 1:30 p.m. Mr. Storm was excused from the Session of today at 2:30 p.m. Messrs. Davis, DeCramer, Berg, Frederickson, Bertram and Mrs. Adkins were excused from the Session of today at 4:15 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 24, 1984. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate