

### THIRTY-THIRD DAY

St. Paul, Minnesota, Wednesday, April 3, 1985

The Senate met at 12:45 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Michael Tegeder.

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

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

The President declared a quorum present.

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

### MEMBERS EXCUSED

Mrs. Brataas, Messrs. Belanger, Benson, Schmitz and Solon were excused from the Session of today.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments and the report on S.F. No. 998. The motion prevailed.

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

S.F. No. 691: A bill for an act relating to human services; providing for participation by Indian tribes in the placement of their children; proposing coding for new law in Minnesota Statutes, chapter 257.

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

Page 1, line 16, delete "CUSTODY" and insert "PLACEMENT" and

delete "custody" and insert "placement"

Page 4, line 21, after "is" insert "in"

Page 4, line 27, delete "all stages of their" and insert "this and any subsequent stage of its"

Page 4, line 30, delete " , notwithstanding Minnesota"

Page 4, line 31, delete "Statutes, chapter 13" and after the period, insert "The agency shall require execution of an agreement with the tribal social service agency that the tribal social service agency will maintain confidential or private data according to statutory provisions applicable to the data."

Page 5, line 16, delete everything after "review" and insert a period

Page 5, delete lines 17 and 18

Page 5, line 29, delete "CUSTODY" and insert "PLACEMENT"

Page 5, line 32, delete "custody" and insert "placement"

Page 6, line 3, delete "custody" and insert "placement"

Page 7, line 20, delete the second comma

Page 7, lines 21 and 23, delete the comma

Page 7, line 26, delete "agency" and insert "department"

Page 7, line 28, after "1951" insert " , paragraph (b)"

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

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

S.F. No. 887: A bill for an act relating to eminent domain; providing for court determination of and payment for pollution of property subject to condemnation; proposing coding for new law in Minnesota Statutes, chapter 117.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 117.025, is amended by adding a subdivision to read:

*Subd. 4. [CONDEMNING AUTHORITY.] "Condemning authority" means an entity authorized by law to exercise the right of eminent domain under section 117.035.*

Sec. 2. Minnesota Statutes 1984, section 117.025, is amended by adding a subdivision to read:

*Subd. 5. [ENVIRONMENTAL IMPAIRMENT.] "Environmental impairment" means a condition that violates an environmental or pollution control law.*

Sec. 3. [117.056] [PETITION RELATING TO ENVIRONMENTALLY

**IMPAIRED PROPERTY.]**

*Subdivision 1. [PETITION.] At the time a petition is presented to a district court for condemnation under this chapter, or at any time before the proceedings are completed, the condemning authority may request the court for an order finding that:*

- (1) the property being condemned is environmentally impaired;*
- (2) protection of the environment requires that the environmental impairment be mitigated;*
- (3) the condemning authority is not a responsible person for the environmental impairment; and*
- (4) paying for the evaluation and mitigation of the environmental impairment from the compensation determined to be due to the owners as damages for the taking is lawful and appropriate.*

*Subd. 2. [NOTICE TO POLLUTION CONTROL AGENCY.] At least 20 days before the condemning authority requests an order under subdivision 1, the condemning authority must notify the director of the pollution control agency to allow the director to intervene in the proceedings. Within 180 days after receipt of the notice, the pollution control agency shall evaluate and determine the sufficiency of a plan that is submitted by a party to the proceedings for mitigation of the environmental impairment, and whether the plan is authorized under section 115B.17, subdivision 12. For purposes of this section, the agency may authorize the mitigation plan without applying the priority rules under section 115B.17, subdivision 13.*

*Subd. 3. [DEPOSIT.] (a) After requesting an order under subdivision 1, the condemning authority shall deposit with the court an amount equal to the approved appraisal of value of the property to be taken and the cost to mitigate the environmental impairment determined under section 117.085, subdivision 2, paragraph (a), clause 2.*

*(b) When the order requested under subdivision 1 is issued and the amount necessary to pay for the mitigation is determined by the court at least 150 percent of the estimated cost of the mitigation must remain on deposit. The balance shall be paid to the parties that the court determines are entitled to receive the deposit.*

*(c) When the mitigation of the environmental impairment is completed, the remaining deposit, if any, shall be paid to the entitled parties.*

*(d) The amount of the deposit shall bear interest at a rate determined by the court.*

*Subd. 4. [EXPENSES REIMBURSED.] The condemning authority shall be reimbursed for reasonable expenses incurred to investigate, evaluate, and mitigate the environmental impairment. The condemning authority agencies have a lien against the funds deposited for the reasonable expenses incurred under this section. The lien is superior to the lien of any other lienholder, except the lien of real estate taxes or special assessments levied against the property.*

*Subd. 5. [INSUFFICIENT DEPOSIT.] If the funds deposited with the court are insufficient to pay the expenses of mitigating the environmental*

*impairment, the condemning authority may:*

*(1) offset the award of damages;*

*(2) be awarded judgment against the owner; and*

*(3) apply to the pollution control agency for remedial action under section 115B.17, subdivision 13.*

*A judgment may be enforced by the condemning authority in the same manner as execution by a judgment creditor under chapter 550.*

*Subd. 6. [APPEAL.] The owner of the property to be condemned may appeal the district court's order by filing a petition with the court of appeals within 30 days of the district court's filing of its order pursuant to subdivision 1.*

*Subd. 7. [RESPONSIBLE PERSON FOR ENVIRONMENTAL IMPAIRMENT.] Notwithstanding section 115B.03, a condemning authority that acquires a right, title, or interest in property under this section and is not a responsible person for the release or threatened release of a hazardous substance from a facility in or on the property under section 115B.03, subdivision 3, does not become a responsible person by acquiring an interest in the property.*

Sec. 4. Minnesota Statutes 1984, section 117.085, is amended to read:

**117.085 [COMMISSIONERS, POWERS, DUTIES.]**

*Subdivision 1. [POWERS.] The commissioners, having been duly sworn and qualified according to law, shall meet as directed by the order of appointment and hear the allegations and proofs of all persons interested touching the matters to them committed. They may adjourn from time to time and from place to place within the county, giving oral notice to those present of the time and place of their next meeting. All testimony taken by them shall be given publicly, under oath, and in their presence. They shall view the premises, and any of them may subpoena witnesses, which shall be served as subpoenas in civil actions are served, and at the cost of the parties applying therefor. If deemed necessary, they may require the petitioner or owner to furnish for their use maps, plats and other information which the petitioner or owner may have showing the nature, character and extent of the proposed undertaking and the situation of lands desired therefor. In proper cases they may reserve to the owner a right of way or other privilege in or over the land taken, or attach reasonable conditions to such taking in addition to the damages given or they may make an alternative award, conditioned upon the granting or withholding of the right specified.*

*Subd. 2. [DETERMINATION OF ENVIRONMENTAL IMPAIRMENT.] (a) If the commissioners find that there is environmental impairment of the property, in addition to all other factors affecting the value of the property the commissioners shall consider the following:*

*(1) the extent of the environmental impairment;*

*(2) the cost to mitigate the environmental impairment; and*

*(3) the value of the property after the environmental impairment is mitigated.*

*(b) If the commissioners find that there is an environmental impairment of the property, the award shall specify the cost to mitigate the environmental impairment and determine the extent of any other reduction in value resulting from the environmental impairment.*

*Subd. 3. [REPORT.] Without unreasonable delay they shall make a separate assessment and award of the damages which in their judgment will result to each of the owners of the land by reason of such taking and report the same to the court. The commissioners, in all such proceedings, may in their discretion allow and show separately in addition to the award of damages, reasonable appraisal fees not to exceed a total of \$300. Upon request of an owner the commissioners shall show in their report the amount of the award of damages which is to reimburse the owner and tenant or lessee for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to the remainder involved, whether or not described in the petition. The amounts awarded to each person shall also be shown separately."*

Delete the title and insert:

"A bill for an act relating to the environment; providing procedures for condemnation of property with environmental impairment; amending Minnesota Statutes 1984, sections 117.025, by adding subdivisions; and 117.085; proposing coding for new law in Minnesota Statutes, chapter 117."

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

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

S.F. No. 830: A bill for an act relating to courts; eliminating certain mileage expenses that court reporters may claim for reimbursement; eliminating the requirement that a court reporter reside in the district in which he or she is appointed; amending Minnesota Statutes 1984, section 486.05, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 486.05, subdivision 1, is amended to read:

Subdivision 1. In all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing ~~herein shall change in this subdivision changes~~ the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary. Each county shall be required by order to pay a specified amount ~~thereof of the salary~~ in monthly installments, which shall be ~~such the~~ proportion of the whole salary as the population in each county bears to the total population in the district ~~as set forth~~ in the most

recent federal census. It is provided, however, that in the event if a judge is temporarily transferred to hold court in some a county other than in his outside of the judge's judicial district then, and in that event, the said that county shall pay that a part of the monthly salary of the judge's reporter as that equal to the part of the month worked by said the reporter in said the county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his a salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses incurred in the discharge of official duties while absent from the city in which he resides in the discharge of his official duties district where the judge the reporter serves is assigned; such. The expenses are to be paid by the county for which the same expenses were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such the county, upon presentation of such the approved statement, shall issue his a warrant in for payment thereof.

*This subdivision supersedes all laws now in force relating to the salary of district court reporters inconsistent herewith relating to any and all counties with this subdivision are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall in this subdivision does not apply to the second and fourth judicial districts."*

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

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

S.F. No. 746: A bill for an act relating to crimes; specifying elements that may be contained in an order for restitution and the procedures for issuing that order; amending Minnesota Statutes 1984, sections 609.14, by adding a subdivision; 611A.04, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 611A.04, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF ORDER FOR RESTITUTION.] *An order of restitution may be enforced by any person named in the order to receive the restitution in the same manner as a judgment in a civil action. An order of restitution shall be docketed as a civil judgment by the clerk of the district court in the county in which the order of restitution was entered. A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 611A.61 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.*

Sec. 2. [611A.045] [PROCEDURE FOR ISSUING ORDER OF RESTITUTION.]

*Subdivision 1. [CRITERIA.] The court, in determining whether to order*

*restitution and the amount of the restitution, shall consider the amount of the economic loss sustained by the victim as a result of the offense.*

*Subd. 2. [PRESENTENCE INVESTIGATION.] The court may order that the presentence investigation report made pursuant to section 609.115, subdivision 1, contain information pertaining to the factors set forth in subdivision 1.*

*Subd. 3. [DISPUTE; EVIDENTIARY BURDEN.] A dispute as to the proper amount or type of restitution must be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution is on the prosecution."*

Delete the title and insert:

"A bill for an act relating to crimes; specifying the effect of and the procedure for issuing an order of restitution; amending Minnesota Statutes 1984, section 611A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A."

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

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

S.F. No. 583: A bill for an act relating to crimes; making certain trespasses and assaults a gross misdemeanor; providing for the admissibility of certain evidence in domestic abuse prosecutions; amending Minnesota Statutes 1984, sections 609.224 and 609.605; proposing coding for new law in Minnesota Statutes, chapter 634.

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

Page 1, line 15, strike "Does" and insert "Commits"

Page 3, line 16, delete "same or"

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

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

S.F. No. 826: A bill for an act relating to crime victims; requiring that crime victims be notified of certain court dates and other information; requiring that the needs of victims and witnesses be considered when criminal cases are scheduled; amending Minnesota Statutes 1984, sections 609.115, subdivision 1c; and 611A.03; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 2, line 6, delete "by telephone on at least two occasions and" and delete "at"

Page 2, line 7, delete "least once"

Page 2, line 33, delete "2" and insert "1a"

Page 3, line 2, reinstate the stricken "2" and delete "3"

Page 3, line 10, delete "*by telephone on at least two*"

Page 3, line 11, delete "*occasions and*" and delete "*at least once*"

Page 3, lines 12 to 16, reinstate the stricken language

Page 3, line 17, reinstate the stricken "609.365, 609.498, 609.561," and insert "609.582" and reinstate the stricken ", and"

Page 3, line 18, reinstate the stricken language

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

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

S.F. No. 444: A bill for an act relating to civil judgments; authorizing the court to stay execution of a judgment for a year if it is in the best interest of both the judgment debtor and creditor; amending Minnesota Statutes 1984, section 550.36.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 565.25, subdivision 2, is amended to read:

Subd. 2. (a) Except as otherwise provided in clause (b) *and section 2*, the respondent may retain or regain possession of the property by filing of a bond approved by the court conditioned that the property shall be delivered to the claimant, if delivery be adjudged, and for the payment to the claimant of any sum adjudged against the respondent. The bond shall be in an amount 1-1/4 times the fair market value of the property or 1-1/2 times the amount of the claimant's claim, whichever is less. An order for seizure may specify a time limitation within which the bond must be filed. For the purpose of protecting or preserving the property pending final hearing on the merits, the court may in extraordinary circumstances, which shall be specified in its order, provide that the respondent may not retain or regain possession of the property upon rebonding, or may limit or condition the right to retain or regain the property upon rebonding. The costs of regaining possession of the property from the sheriff or the claimant shall be borne by respondent except as set forth in clause (b).

(b) If at a hearing following seizure of property pursuant to section 565.24 claimant fails to establish a right to continued possession, the court shall order the property returned to respondent, the costs to be borne by claimant. The court may order claimant's bond to continue in an amount sufficient to offset damages claimed by respondent by reason of the seizure.

Sec. 2. [565.251] [POSSESSION BY RESPONDENT WITHOUT BOND; STAY OF PROCEEDING.]

*The court may allow the respondent to retain or regain possession of the*



*property without filing a bond and may stay the action by the claimant for a reasonable period of time not to exceed six months if the following conditions are met:*

*(1) the respondent is unable to make the required payments due to unforeseen economic circumstances beyond the respondent's control;*

*(2) the respondent is dependent on the use of the property to earn a living;*

*(3) the respondent insures the property for its fair market value;*

*(4) the respondent makes periodic payments to the claimant representing the depreciation in market value of the property while the respondent retains possession, in an amount and during the times determined by the court; and*

*(5) the respondent makes periodic payments to the claimant representing the value of the use of the property or the cost to the claimant of the lost opportunity to use the property, in an amount and during the times determined by the court."*

Delete the title and insert:

"A bill for an act relating to recovery of possession of personal property; authorizing the court to allow the respondent to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; amending Minnesota Statutes 1984, section 565.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 565."

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 506: A bill for an act relating to natural resources; imposing a temporary freeze upon certain lease rates for state-owned campgrounds.

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

Page 1, line 7, delete the headnote and insert "LEASE RATE INCREASES."

Page 1, line 8, before "Lease" insert "Increases of" and delete "in effect" and insert "to be effective"

Page 1, line 8, delete "1985" and insert "1986"

Page 1, line 9, delete "not"

Page 1, line 10, delete "increased prior to January 1, 1987" and insert "phased in by three equal annual increments"

Page 1, after line 10, insert:

"Sec. 2. [REPORT.]

*The commissioner of natural resources shall inventory the lakeshore leases and prepare a report on any leased land that should be sold. The report*

*must be submitted by January 1, 1987, to the senate agriculture and natural resources and house of representatives environment and natural resources committees."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "freeze upon" and insert "phasing in"

Page 1, line 3, delete "rates" and insert "rate increases" and after "owned" insert "land."

Page 1, delete line 4

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 685: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, adding a section; dedicating a portion of the state sales tax revenue to the game and fish fund.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 97.49, is amended by adding a subdivision to read:

*Subd. 2a. [ADDITIONAL DEPOSIT IN GAME AND FISH FUND.] An amount equal to one-eighth of one percent of the gross receipts from sales at retail that are subject to the state general sales and use tax must be deposited in the game and fish fund."*

Delete the title and insert:

"A bill for an act relating to game and fish; dedicating a portion of sales tax receipts to the game and fish fund; amending Minnesota Statutes 1984, section 97.49, by adding a subdivision."

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 726: A bill for an act relating to recreational vehicles; requiring registration of snowmobiles; abolishing special registration requirements for collector's snowmobiles; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 84.82, is amended by adding a subdivision to read:

*Subdivision 1. [GENERAL REQUIREMENTS.] A person may not operate or transport a snowmobile unless the snowmobile has been registered under this section. A person may not sell a snowmobile without furnishing the buyer a bill of sale on a form prescribed by the commissioner.*

Sec. 2. Minnesota Statutes 1984, section 84.82, subdivision 6, is amended to read:

Subd. 6. [EXEMPTIONS.] No registration hereunder shall be required for the following described snowmobiles:

(a) Snowmobiles owned and used by the United States, another state, or a political subdivision thereof.

(b) Snowmobiles registered in a country other than the United States temporarily used within this state.

(c) Snowmobiles covered by a valid license of another state and which have not been within this state for more than 30 consecutive days.

(d) Snowmobiles used exclusively in organized track racing events.

(e) Snowmobiles in transit by a manufacturer, distributor, or dealer.

Sec. 3. [REPEALER.]

*Minnesota Statutes 1984, section 84.82, subdivision 9, is repealed.*

Sec. 4. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "exemption;"

Page 1, line 5, before "by" insert "subdivision 6, and"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 377: A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

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

Delete everything after the enacting clause and insert:

"Section 1. [92.121] [PERMANENT SCHOOL FUND LANDS.]

*The commissioner of natural resources shall exchange permanent school*

*fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks or state waysides for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 2.*

Sec. 2. [120.85] [GOAL OF THE PERMANENT SCHOOL FUND.]

*The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the Minnesota constitution, with sound natural resource conservation and management principles, and with other specific policy provided in state law.*

Sec. 3. [INVENTORY.]

*The commissioner of natural resources shall inventory the permanent school fund land located in state parks or state waysides that are not exchanged under section 1, and other permanent school fund lands that are not presently used in a manner compatible with the goal of permanent school fund lands in section 2. By January 15, 1986, the commissioner shall prepare a report containing the inventory and recommendations to use the permanent school fund land in a manner that is compatible with the goal of the permanent school fund land. The report must be submitted to the education, agriculture and natural resources, and finance committees of the senate and the education, environment and natural resources, and appropriations committees of the house."*

Amend the title as follows:

Page 1, line 2, delete "the permanent school fund;"

Page 1, line 3, before "fund" insert "permanent school"

Page 1, line 7, delete "appropriating money;"

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 952: A bill for an act relating to occupations and professions; requiring registration with the commissioner of commerce for those who lay out; install, or maintain alarm and communication systems; providing requirements for registration; imposing certain duties upon the commissioner of commerce; providing a penalty; exempting registrants from regulation by other agencies or political subdivisions of the state; providing for the continuance of business for those presently engaged in laying out, installing, or maintaining alarm and communications systems; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Delete everything after the enacting clause and insert:

"Section 1. [326.249] [ALARM AND COMMUNICATION SYSTEMS.]

*Sections 326.241 to 326.248 do not apply to a person who lays out, installs, or maintains class II or class III signalling circuits, fire protective circuits, outside wiring for alarm systems, or communication circuits or systems, as covered by articles 725, 760, 770, 800, 810, and 820 of the National Electrical Code as approved by the United States of America Standards Institute in effect January 1, 1985, operating at 24 volts or less, and any system designed to transmit communications, intelligence, or data through use of fiber optics technology, provided that the person maintains a bond and insurance in the amounts required under section 326.242, subdivision 6. No person exempt under this section may be required to obtain any authorization, permit, franchise, or license from, or pay any fee, franchise tax, or other assessment to, any agency, department, board, or political subdivision of the state, except that a municipality may enact and enforce reasonable ordinances to regulate the permitting, inspection, servicing and monitoring of fire alarm systems."*

Delete the title and insert:

"A bill for an act relating to occupations and professions; exempting installers of alarm and communication systems from regulation under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 326."

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 91: A bill for an act relating to state government; ratifying certain salaries approved by the legislative commission on employee relations.

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 918: A bill for an act relating to transportation; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; amending Minnesota Statutes 1984, section 222.025, subdivision 1.

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1186: A bill for an act relating to state government; providing for fees for cooperative purchasing and transfer of state surplus property; amending Minnesota Statutes 1984, sections 16B.09, by adding a subdivision; and 16B.29.

Reports the same back with the recommendation that the bill do pass and be

re-referred to the Committee on Finance. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1170: A bill for an act relating to state government; establishing a management analysis division revolving fund; amending Minnesota Statutes 1984, sections 16B.36, subdivision 1; and 16B.48, subdivision 2.

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 467: A bill for an act relating to government operations; allowing municipalities to contract to buy sheltered workshop products without getting competitive bids; including sheltered workshops in the small business set-aside program; amending Minnesota Statutes 1984, section 16B.19, by adding a subdivision; and 471.345, by adding a subdivision.

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

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "including"

Page 1, delete line 5

Page 1, line 6, delete "program;"

Page 1, line 7, delete everything before "471.345"

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 1114: A bill for an act relating to economic development; creating a comprehensive economic development strategy commission to review state economic development efforts, to develop a strategy for state investment in economic development, and to report to the governor and the legislature; appropriating money.

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

Page 2, line 1, after "to" insert "review state economic development efforts and"

Page 2, line 2, delete ", review state" and insert a period

Page 2, delete lines 3 to 5

Page 2, line 6, delete "15" and insert "11"

Page 2, lines 9 and 13, delete "*his or her*" and insert "*the commissioner's*"

Page 2, lines 10 and 11, delete "*his or her*" and insert "*the chair's*"

Page 2, line 12, delete "*assistant*"

Page 2, lines 12 and 13, delete "*representing the Minnesota trade office*"

Page 2, line 14, delete everything after "*(d)*"

Page 2, delete line 15

Page 2, line 16, delete "*(e)*"

Page 2, lines 16 and 17, delete "*his or her*" and insert "*the president's*"

Page 2, line 18, delete "*(f) four*" and insert "*(e) three*" and after "*members*" insert "*knowledgeable in commerce and economic development*" and delete "*as follows:*" and insert "*; and*"

Page 2, delete lines 19 to 21

Page 2, line 22, delete "*(g) six*" and insert "*(f) four*"

Page 2, lines 24 and 26, delete "*three*" and insert "*two*"

Page 3, line 26, delete "*employ by*" and delete everything after "*contract*" and insert "*for consulting or research services as necessary to fulfill the purposes of subdivision 1; and*"

Page 3, delete line 27

Page 4, delete lines 12 and 13

Renumber the clauses in sequence

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

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 1125: A bill for an act relating to victims of crime; establishing a crime victim and witness advisory board and a crime victim ombudsman; providing the board with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Pages 1 to 3, delete sections 1 and 2

Page 3, line 14, delete "*3 and 4*" and insert "*1 and 2*"

Page 3, line 18, delete "*4 to 6*" and insert "*2 and 3*"

Page 4, line 1, delete "*office of*" and insert "*governor shall appoint a*"

Page 4, line 2, delete "*is created*"

Page 4, line 3, delete "*attorney general*" and insert "*governor*"

Page 4, line 5, delete "*executive director of the crime*" and insert "*commissioner of corrections.*"

Page 4, delete lines 6 and 7

Page 4, line 22, after the period, insert "*The ombudsman shall establish a procedure for referral to the crime victim crisis centers and other victim assistance programs when services are requested by crime victims or deemed necessary by the ombudsman.*"

Page 4, line 32, delete everything after "(c)"

Page 4, delete lines 33 to 36

Page 5, delete lines 1 to 3

Page 5, line 16, delete everything after "*the*"

Page 5, line 24, delete "*attorney general*" and insert "*commissioner of corrections*"

Page 5, line 32, after "*ombudsman*" insert "*, together with the commissioner of corrections,*"

Page 5, line 33, delete "*attorney*" and insert "*governor*"

Page 5, line 34, delete "*general*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the first "*victim*"

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "*providing*"

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

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

S.F. No. 363: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller; providing that the first comptroller would be elected in 1990; transferring the powers, responsibilities, and duties of the state auditor, the secretary of state, and the state treasurer to the state comptroller; transferring the financial audits division of the legislative audit commission and its powers, duties, and responsibilities to the state comptroller; renaming the legislative audit commission.

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

Page 7, delete sections 5 and 6

Page 7, line 22, delete "*Sections 4, 5, and 6 are*" and insert "*Section 4 is*"



Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete “; transferring the financial audits” and insert a period

Page 1, delete lines 14 to 16

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

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

S.F. No. 1027: A bill for an act relating to crimes; providing for the application of certain traffic regulations; eliminating redundant and surplus language; amending Minnesota Statutes 1984, sections 169.02, subdivision 1; and 169.121, subdivision 1; repealing Minnesota Statutes 1984, section 169.13, subdivision 3.

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

Page 1, line 23, before the period, insert “*of this state*”

Page 2, line 2, before the colon, insert “*or upon the ice of any boundary water of this state*”

Page 2, after line 17, insert:

“Sec. 3. Minnesota Statutes 1984, 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 *or upon the ice of any boundary water of 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 probable 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.

(b) At the time a test 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 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;

(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. 4. Minnesota Statutes 1984, section 169.129, is amended to read:

169.129 [AGGRAVATED VIOLATIONS; PENALTY.]

Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state or upon the ice of any boundary water of this state in violation of section 169.121 or an ordinance in conformity with it before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance or while he had an alcohol concentration of 0.10 or more or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the county court."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "and"

Page 1, line 6, after the semicolon insert "169.123, subdivision 2; and 169.129;"

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

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

S.F. No. 835: A bill for an act relating to crimes; requiring courts to furnish information relating to prior convictions without charge in gross misdemeanor prosecutions of the driving while under the influence of alcohol law; amending Minnesota Statutes 1984, section 169.121, subdivision 3.

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

as follows:

Page 2, line 12, after "*information*" insert "*and certified copies of necessary documents*"

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

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

S.F. No. 1043: A bill for an act relating to cooperative associations; providing for the election of the board of directors of certain associations; proposing coding for new law in Minnesota Statutes, chapter 308.

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

Page 1, line 9, delete "*Each member of*"

Page 1, line 11, delete "*shall be*" and insert "*may not refuse to seat a member*"

Page 1, line 12, delete "*he or she*" and insert "*the member*"

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

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

S.F. No. 743: A bill for an act relating to corporations; allowing nonprofit corporations to establish, maintain, and operate common trust funds; proposing coding for new law in Minnesota Statutes, chapter 317.

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

Page 1, line 10, delete everything after "*may*"

Page 1, line 14, delete "*corporations*" and insert "*corporation*"

Page 1, line 15, delete "*various*" and after "*trusts*" insert "*or funds*"

Page 1, line 18, after "*trusts*" insert "*or funds*"

Page 1, line 21, after "*trust*" insert "*or fund*"

Page 1, line 22, after "*the*" insert "*common trust*"

Page 2, line 11, delete "*mistakes*" and insert "*mistake*"

Page 2, line 12, delete the first comma and delete "*and prudence*"

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

Page 2, line 23, delete "*added bears*" and insert "*bear*"

Page 2, line 24, delete "*at the time of*"

Page 2, delete line 25

Page 2, line 26, delete "*or fund so added*" and insert "*, including the added trust or fund*"

Page 3, line 22, delete "*therein*"

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

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

S.F. No. 774: A bill for an act relating to drivers licenses; requiring that drivers license of person be revoked who flees in motor vehicle from peace officer; amending Minnesota Statutes 1984, section 171.17.

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

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

S.F. No. 1099: A resolution memorializing the President and Congress of the United States to award posthumous Medals of Freedom to Andrew Goodman, Michael Schwerner, and James Chaney.

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

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

S.F. No. 917: A bill for an act relating to children and families; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; authorizing the presence of parents at trials involving criminal sexual conduct or criminal sexual abuse when the prosecuting witness is a minor; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 260.011, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, by adding a subdivision; 260.191, subdivision 1, and by adding subdivisions; 260.301; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapter 631.

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

Delete everything after the enacting clause and insert:

"Section 1. [244.12] [REQUIRING COMMISSION TO DEVELOP GUIDELINE DEPARTURE CRITERIA FOR CERTAIN CRIMINAL SEXUAL CONDUCT CASES.]

*The sentencing guidelines commission shall develop mitigating departure criteria for sentencing a defendant convicted under section 609.342, 609.343, 609.344, or 609.345 when that defendant has a familial relationship to the complainant. The commission shall submit the criteria to the legislature by January 1, 1986. The criteria shall be effective on August 1, 1986, unless the legislature by law provides otherwise.*

Sec. 2. Minnesota Statutes 1984, section 260.011, subdivision 2, is

amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated neglected or dependent and under the jurisdiction of the court, the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; *to provide judicial procedures which protect the welfare of the child*; to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety cannot be adequately safeguarded without removal; and, when the child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 3. Minnesota Statutes 1984, section 260.133, subdivision 2, is amended to read:

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; and
- (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.

*Before the temporary order is issued, the local welfare agency shall advise the court and the other parties who are present that appropriate social services will be provided to the family or household members during the effective period of the order.*

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 tempo-

rary 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.

Sec. 4. Minnesota Statutes 1984, section 260.135, subdivision 1, is amended to read:

Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. *The court shall give docket priority to any dependency, neglect, or neglected and in foster care petition that contains allegations of child abuse. As used in this subdivision, the term "child abuse" has the meaning given it in section 17, subdivision 2.*

Sec. 5. Minnesota Statutes 1984, section 260.155, is amended by adding a subdivision to read:

*Subd. 4a. [EXAMINATION OF CHILD.] In any dependency, neglect, or neglected and in foster care proceeding the court may, on its own motion or the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.*

Sec. 6. Minnesota Statutes 1984, section 260.156, is amended to read:

**260.156 [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]**

An out-of-court statement made by a child under the age of ten years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

(a) The court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) The proponent of the statement notifies other parties of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

Sec. 7. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

*Subd. 2a. [PARENTAL VISITATION.] If a child has been taken into custody under section 260.135, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and the court determines that the child should continue in detention, the court shall include in its order reasonable rules for supervised or unsupervised parental visitation of the child in the shelter care facility unless it finds that visitation would endanger the child's physical or emotional well-being.*

Sec. 8. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

*Subd. 1d. [PARENTAL VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at a hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being.*

Sec. 9. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

*Subd. 2a. [EFFECT OF ORDER.] Any person who provides services to a child under a disposition order, or who is subject to the conditions of a disposition order, is bound by the order and shall be served with a copy of it personally or by first class mail. Service for the child shall be upon the guardian ad litem.*

Sec. 10. Minnesota Statutes 1984, section 260.301, is amended to read:

**260.301 [CONTEMPT.]**

*Any person knowingly interfering with an order of the juvenile court is in contempt of court or who is subject to a juvenile court order or process may be punished for contempt by the juvenile court pursuant to chapter 588.*

Sec. 11. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

*Subd. 15. [FAMILIAL RELATIONSHIP.] "Familial relationship" means a situation in which the actor is:*

*(1) the complainant's parent, stepparent, or guardian;*

*(2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or*

*(3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.*

Sec. 12. Minnesota Statutes 1984, section 609.342, is amended to read:

**609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.]**

*Subdivision 1. [CRIME DEFINED.]* A person is guilty of criminal sexual conduct in the first degree and ~~may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both,~~ if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; ~~or~~

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and, *except where a familial relationship exists*, in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; ~~or~~

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; ~~or~~

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; ~~or~~

(e) The actor causes personal injury to the complainant, and ~~either~~ any of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(iii) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time; or*

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

*Subd. 2. [PENALTY.]* A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

*Subd. 3. [STAY.]* Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a) or (b), and



*that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.*

Sec. 13. Minnesota Statutes 1984, section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.]

*Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both, if he engages in sexual contact with another person and if any of the following circumstances exists:*

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; ~~or~~

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and, *except where a familial relationship exists*, in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; ~~or~~

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; ~~or~~

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; ~~or~~

(e) The actor causes personal injury to the complainant, and ~~either~~ any of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(iii) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time; or*

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or

fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

*Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.*

*Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a) and (b), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.*

Sec. 14. Minnesota Statutes 1984, section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.]

*Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the third degree and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both, if he engages in sexual penetration with another person and any of the following circumstances exists:*

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and, *except where a familial relationship exists*, in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(f) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time.*

*Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.*

*Subd. 3. [STAY.] Except when imprisonment is required under section*

609.346, if a person is convicted under subdivision 1, clauses (a), (b), or (e), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 15. Minnesota Statutes 1984, section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.]

*Subdivision 1. [CRIME DEFINED.]* A person is guilty of criminal sexual conduct in the fourth degree ~~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,~~ if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; ~~or~~

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; ~~or~~

(c) The actor uses force or coercion to accomplish the sexual contact; ~~or~~

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; ~~or~~

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and, *except where a familial relationship exists*, in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; ~~or~~

(f) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time.*

*Subd. 2. [PENALTY.]* A person convicted under subdivision 1 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.

*Subd. 3. [STAY.]* Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a), (b), or (e), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 16. Minnesota Statutes 1984, section 626.556, subdivision 11, is

amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. *In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of 10 who is the alleged victim of abuse or neglect.* An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon assessment or investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon assessment or investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Sec. 17. Minnesota Statutes 1984, section 630.36, is amended to read:

630.36 [ISSUES, HOW DISPOSED OF.]

*Subdivision 1. [ORDER.]* The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) *Indictments or complaints alleging child abuse, as defined in subdivi-*

sion 2, whether or not the defendant is in custody;

(2) Indictments or complaints for felony, where the defendant is in custody;

(2) (3) Indictments or complaints for misdemeanor, where the defendant is in custody;

(3) (4) Indictments or complaints for felony, where the defendant is on bail; and

(4) (5) Indictments or complaints for misdemeanor, where the defendant is on bail.

After his plea, the defendant shall be entitled to at least four days to prepare for his trial, if he requires it.

*Subd. 2. [CHILD ABUSE DEFINED.] As used in subdivision 1, "child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.224 if the minor victim is a family or household member of the defendant, 609.255, 609.321, 609.322, 609.323, 609.324, 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, 609.3644, 609.377, 609.378, or 617.246.*

#### Sec. 18. [631.046] [AUTHORIZING PRESENCE OF PARENT FOR MINOR PROSECUTING WITNESS.]

*Notwithstanding any other law, a prosecuting witness under 18 years of age in a case involving a violation of section 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, or 609.3644 may choose to have in attendance a parent, guardian, or other supportive person, whether or not a witness, at the omnibus hearing or at the trial, during testimony of the prosecuting witness. If the person so chosen is also a prosecuting witness, the prosecution shall present on noticed motion, evidence that the person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness. Upon that showing the court shall grant the request unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony.*

#### Sec. 19. [TASK FORCE ON CHILD SEXUAL ABUSE.]

*Subdivision 1. [CREATION; MEMBERSHIP.] The attorney general shall appoint the chair and members of an advisory task force to study the problem of child sexual abuse. The task force shall consist of members who collectively are broadly representative of the judiciary, the interagency child sexual abuse team, county attorneys, public defenders, law enforcement, human services, former victims of child sexual abuse, individuals offering child sexual abuse counseling or therapy services, citizens who have been affected by child sexual abuse laws, and appropriate state agencies.*

*Subd. 2. [STATEWIDE PLAN.] The task force shall develop a statewide plan to:*

(1) educate the public about the nature and scope of child sexual abuse;

(2) educate and train individuals involved in the handling of child sexual

*abuse cases as to how to more competently perform their duties, including the development of ongoing training requirements for individuals involved in child sexual abuse cases;*

*(3) educate individuals involved in providing education and supportive services, such as counseling and treatment, to child sexual abuse victims and their families so that they can more competently perform their duties; and*

*(4) coordinate the reports and findings of the various state agencies reviewing the area of child sexual abuse.*

*Subd. 3. [RECOMMENDATIONS.] Based on its findings, the task force shall make recommendations to the legislature by February 1, 1986, on ways to:*

*(1) balance the rights and protections of children who have been sexually abused with those of parents accused of child sexual abuse;*

*(2) provide greater protections to child witness victims in child sexual abuse judicial proceedings;*

*(3) provide minimum competency and training standards for professionals providing counseling and therapy to child sexual abuse victims and their families;*

*(4) provide minimum competency and training standards for human services personnel involved in child sexual abuse protection;*

*(5) establish more efficient record keeping and statistical information on the number of child sexual abuse cases and the manner in which those cases are processed by the judicial system; and*

*(6) establish uniform procedures for investigation and assessment of child sexual abuse cases.*

*Subd. 4. [EXPIRATION.] The task force expires on July 1, 1986.*

*Sec. 20. [APPROPRIATION.]*

*\$\_\_\_\_\_ is appropriated from the general fund to the attorney general to administer section 19 and is available until June 30, 1986.*

*Sec. 21. [REPEALER.]*

*Minnesota Statutes 1984, sections 609.364, 609.3641, 609.3642, 609.3643, and 609.3644, are repealed. Sections 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; and 609.345, subdivision 3, are repealed August 1, 1986.*

*Sec. 22. [EFFECTIVE DATE.]*

*Section 1 is effective the day after final enactment.*

*Sections 2 to 18, 20, and 21 are effective August 1, 1985.*

*Section 19 is effective the day following final enactment."*

*Delete the title and insert:*

*"A bill for an act relating to children and families; requiring the sentencing guidelines commission to develop mitigating departure criteria for certain crimes; providing judicial procedures to protect the welfare of alleged child*

abuse victims; requiring notice that appropriate social services will be provided during the period of a temporary order; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct"; eliminating certain notice requirements as applied to a minor under 10; authorizing the presence of parents at trials involving criminal sexual conduct or criminal sexual abuse when the prosecuting witness is a minor; establishing a task force on child sexual abuse; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, by adding a subdivision; 260.191, by adding subdivisions; 260.301; 609.341; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11; and 630.36; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; and 609.345, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 244 and 631."

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

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

S.F. No. 1026: A bill for an act relating to crimes; clarifying mandatory testing of a driver suspected of driving under the influence of alcohol; amending Minnesota Statutes 1984, section 169.123, subdivision 2.

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

Page 1, line 11, delete "*Notwithstanding the provisions*"

Page 1, line 12, delete "*of section 481.10,*"

Page 2, lines 15 and 22, strike "he or she" and insert "*the person*"

Page 2, line 25, reinstate the stricken "to" and insert "*choose another person*" and strike "have" and insert "*conduct*"

Page 2, line 26, strike "made by a person of his own choosing"

Page 2, line 27, strike "he refuses to take" and after "test" insert "*is refused*"

Page 2, line 28, strike "him" and insert "*the person*"

Page 2, line 33, strike "his" and insert "*the person's*"

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

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

S.F. No. 1141: A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county

authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

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

Mr. Purfeerst from the Committee on Transportation, to which was referred the following appointment as reported in the Journal for February 4, 1985:

**REGIONAL TRANSIT BOARD**  
**CHAIR**  
Elliott Perovich

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

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

H.F. No. 327 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		327	646		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 422 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		422	434		

and that the above Senate File be indefinitely postponed.

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

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



H.F. No. 894 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		894	843		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1216 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1216	1199

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1216 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1216 and insert the language after the enacting clause of S.F. No. 1199, further, delete the title of H.F. No. 1216 and insert the title of S.F. No. 1199.

And when so amended H.F. No. 1216 will be identical to S.F. No. 1199, and further recommends that H.F. No. 1216 be given its second reading and substituted for S.F. No. 1199, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 738 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		738	777		

and that the above Senate File be indefinitely postponed.

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

Report adopted.

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

H.F. No. 415 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
415	486				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 759 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
759	231				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 759 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 759 and insert the language after the enacting clause of S.F. No. 231, the first engrossment; further, delete the title of H.F. No. 759 and insert the title of S.F. No. 231, the first engrossment.

And when so amended H.F. No. 759 will be identical to S.F. No. 231, and further recommends that H.F. No. 759 be given its second reading and substituted for S.F. No. 231, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 470 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
470	518				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 470 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 470 and insert the language after the enacting clause of S.F. No. 518, the fourth engrossment; further, delete the title of H.F. No. 470 and insert the title of S.F. No. 518, the fourth engrossment.

And when so amended H.F. No. 470 will be identical to S.F. No. 518, and further recommends that H.F. No. 470 be given its second reading and substituted for S.F. No. 518, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 256 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
256	406				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 256 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 256 and insert the language after the enacting clause of S.F. No. 406, the first engrossment; further, delete the title of H.F. No. 256 and insert the title of S.F. No. 406, the first engrossment.

And when so amended H.F. No. 256 will be identical to S.F. No. 406, and further recommends that H.F. No. 256 be given its second reading and substituted for S.F. No. 406, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 227 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
227	239				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 227 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 227 and insert

the language after the enacting clause of S.F. No. 239, the first engrossment; further, delete the title of H.F. No. 227 and insert the title of S.F. No. 239, the first engrossment.

And when so amended H.F. No. 227 will be identical to S.F. No. 239, and further recommends that H.F. No. 227 be given its second reading and substituted for S.F. No. 239, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 186 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
186	146				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 186 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 186 and insert the language after the enacting clause of S.F. No. 146, the first engrossment; further, delete the title of H.F. No. 186 and insert the title of S.F. No. 146, the first engrossment.

And when so amended H.F. No. 186 will be identical to S.F. No. 146, and further recommends that H.F. No. 186 be given its second reading and substituted for S.F. No. 146, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 315 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
315	282				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 315 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 315 and insert the language after the enacting clause of S.F. No. 282; further, delete the title of H.F. No. 315 and insert the title of S.F. No. 282.

And when so amended H.F. No. 315 will be identical to S.F. No. 282, and

further recommends that H.F. No. 315 be given its second reading and substituted for S.F. No. 282, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 230 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
230	284				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 230 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 230 and insert the language after the enacting clause of S.F. No. 284, the first engrossment; further, delete the title of H.F. No. 230 and insert the title of S.F. No. 284, the first engrossment.

And when so amended H.F. No. 230 will be identical to S.F. No. 284, and further recommends that H.F. No. 230 be given its second reading and substituted for S.F. No. 284, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 216 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
216	229				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 216 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 216 and insert the language after the enacting clause of S.F. No. 229, the first engrossment; further, delete the title of H.F. No. 216 and insert the title of S.F. No. 229, the first engrossment.

And when so amended H.F. No. 216 will be identical to S.F. No. 229, and further recommends that H.F. No. 216 be given its second reading and substituted for S.F. No. 229, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 94 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
94	101				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 94 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 94 and insert the language after the enacting clause of S.F. No. 101, the first engrossment; further, delete the title of H.F. No. 94 and insert the title of S.F. No. 101, the first engrossment.

And when so amended H.F. No. 94 will be identical to S.F. No. 101, and further recommends that H.F. No. 94 be given its second reading and substituted for S.F. No. 101, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 454 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
454	657				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 454 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 454 and insert the language after the enacting clause of S.F. No. 657, the first engrossment; further, delete the title of H.F. No. 454 and insert the title of S.F. No. 657, the first engrossment.

And when so amended H.F. No. 454 will be identical to S.F. No. 657, and further recommends that H.F. No. 454 be given its second reading and substituted for S.F. No. 657, and that the Senate File be indefinitely postponed.

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

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

S.F. No. 1344: A bill for an act relating to cable communication; transferring the responsibilities of the cable communications board to the commissioner of administration; allowing municipalities to choose not to be subject to regulation by the commissioner; amending Minnesota Statutes 1984, sections 238.02, subdivision 4; 238.03; 238.05; 238.06; 238.08, subdivisions 2 and 3; 238.09; 238.11, subdivision 1; 238.13; 238.14; 238.15; 238.16, subdivision 1; 238.17, subdivisions 1, 5, 6, and 8; repealing Minnesota Statutes 1984, sections 238.04; and 238.17, subdivision 7.

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

Pages 1 and 2, delete section 2

Page 7, lines 15, 20, 30, and 31, reinstate the stricken language and delete the new language

Page 8, lines 3, 5, 6, 7, 21, and 33, reinstate the stricken language and delete the new language

Page 8, line 22, delete "*July 1, 1985*,"

Page 9, line 10, reinstate the stricken language and delete the new language

Page 13, line 27, delete "*July 1, 1985*" and insert "*January 1, 1986*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "238.03;"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was re-referred

S.F. No. 998: A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

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

Page 1, line 12, delete everything after "*1.*" and insert "[APPLICABILITY.] *The definitions in this section apply to sections 1 to 5.*"

Page 1, delete line 13

Page 1, line 16, delete "*state*"

Page 1, line 17, delete everything after "*health*" and insert a period

Page 1, after line 17, insert:

"*Subd. 4. [ELEVATED BLOOD LEAD LEVEL.] "Elevated blood lead level" means a confirmed concentration of 25 micrograms or more of lead in*

*each deciliter of whole blood."*

Page 1, line 18, delete "4" and insert "5"

Page 1, delete lines 23 to 25

Page 2, line 14, delete "*predispose*" and insert "*has exposed them to*"

Page 2, line 17, delete "*, to the extent that funds are available,*"

Page 2, line 19, after "*refer*" insert "*sites*" and after "*commissioner*" delete "*those sites*"

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

Page 2, line 22, after "*refer*" insert "*all sites*" and after "*commissioner*" delete "*all*"

Page 2, line 23, delete "*sites*" and delete everything after "*standard*" and insert a period

Page 2, delete line 24

Page 2, line 27, after "*if*" insert "*the*"

Page 2, line 30, delete everything after the period

Page 2, line 31, delete everything before "*the*" and delete "*shall*" and insert "*must*"

Page 2, line 32, delete everything after "*minimize*" and insert "*soil lead exposure that threatens the health or welfare of susceptible populations.*"

Page 2, line 33, delete "CLEANUP" and insert "RESPONSE ACTIONS"

Page 2, line 35, delete "*must*" and insert "*shall*"

Page 2, line 36, delete "*which poses a threat to*" and insert "*that threatens*"

Page 3, line 1, delete everything after "*populations*" and insert a period

Page 3, line 2, delete everything before "*rules*" and insert "*The*" and delete "*which*" and insert "*that*"

Page 3, line 7, delete "*purposes of*" and delete everything after "*response*" and insert "*actions*"

Page 3, line 8, delete everything before the period and delete "*take into*"

Page 3, line 9, delete "*account*" and insert "*consider*"

Page 3, line 12, delete "*, and*" and insert a period

Page 3, delete line 13

Page 3, line 14, delete everything after "[INTERIM PRIORITIES.]"

Page 3, delete lines 15 and 16

Page 3, line 17, delete everything before "*Until*"

Page 3, line 18, delete everything before the comma and insert "*are adopted*"



Page 3, line 22, delete "of it"

Page 3, delete lines 26 to 32 and insert:

*"Subd. 5. [MAINTENANCE OF RESPONSE ACTIONS.] A person may not disturb response actions taken by the agency, or the integrity of any existing ground cover at sites where the soil exceeds the lead level established in subdivision 1, unless the agency finds that the disturbance:*

*(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

*(2) is necessary to reduce a threat to human health or the environment."*

Page 3, line 33, delete "FUND" and insert "ACCOUNT"

Page 3, line 35, delete "fund" and insert "account" and delete "created" and insert "established" and delete everything after the period

Page 3, delete line 36

Page 4, delete lines 1 and 2

Page 4, line 5, after "spent" insert "by the agency"

Page 4, line 11, after "actions" insert "by the agency"

Page 4, line 30, delete "take appropriate acts to"

Page 4, line 32, delete "in order"

Page 4, line 35, delete "risking" and insert "at risk to"

Page 4, line 36, delete "which" and insert "that"

Page 5, line 1, after "advice" insert "of local lead absorption testing programs" and delete "in order"

Page 5, line 2, delete "those" and insert "the"

Page 5, line 5, delete everything after "sources"

Page 5, line 6, delete everything before the semicolon

Page 5, line 7, delete "for"

Page 5, line 10, delete "of"

Page 5, line 11, delete the first "or" and insert "and"

Page 5, line 12, delete "those" and insert "the" and delete "in order"

Page 5, lines 13 and 14, delete "or" and insert "and"

Page 5, line 15, delete "these" and insert "the"

Page 5, line 21, delete everything after "1." and insert "[APPLICABILITY.] The definitions in this section apply to sections 6 and 7."

Page 5, delete line 22

Page 5, line 24, delete "1974" and insert "1978"

Page 5, line 31, delete "No" and insert "A" and delete "shall" and insert "may not"

Page 5, line 33, delete "any"

Page 5, line 34, delete "No" and insert "A" and delete "shall" and insert "may not" and delete "any"

Page 6, lines 1 and 5, delete "No" and insert "A" and delete "shall" and insert "may not"

Page 6, line 2, delete "on any part of a motor vehicle any" and insert "a" and delete "which" and insert "that"

Page 6, delete lines 8 and 9

Page 6, line 10, delete "6" and insert "5"

Page 6, line 15, delete "7" and insert "6"

Page 6, line 16, delete "gross"

Page 6, after line 16, insert:

"Sec. 8. [REPORT ON RESPONSE ACTIONS.]

*By January 1, 1987, the agency shall submit a report to the senate and house committees on health and human services describing the extent of soil lead contamination, the blood lead levels of populations at contaminated sites, the size of the population at risk from soil lead exposure, and an estimate of the cost of response actions required to prevent exposure to lead contaminated soil."*

Page 6, line 17, delete "; COMPLEMENT"

Page 6, delete lines 18 and 19, and insert:

"Subdivision 1. [POLLUTION CONTROL AGENCY.]"

Page 6, line 21, delete everything after "control" and insert "account"

Page 6, line 22, delete everything before "available" and insert "to be"

Page 6, line 24, delete "fund" and insert "account"

Page 6, line 33, delete "(d)" and insert "Subd. 2. [COMMISSIONER OF HEALTH.]"

Page 6, line 34, delete everything after "health" and insert "to administer"

Page 6, line 35, delete ". This appropriation is" and insert "; to be"

Page 6, delete line 36

Page 7, delete line 1

Page 7, line 2, before "complement" insert "approved"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Transportation. Mr. Petty questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1118: A bill for an act relating to agriculture; requiring reason for

lender's refusal to respond with letter of commitment; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

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

Page 1, line 16, strike "any" and insert "the" and reinstate the stricken "lender" and delete "lenders" and insert "that is"

Page 1, line 17, delete "under subdivision 1"

Page 2, line 12, delete the comma

Page 2, delete line 13

Page 2, line 14, delete everything before the period

Page 2, line 15, delete the second "to" and insert "for"

Page 2, line 16, delete "agricultural input" and insert "financing" and delete "furnished" and insert "requested"

Page 2, line 25, before the period, insert ", unless the supplier perfects the agricultural production input lien"

Page 2, line 30, strike "an" and insert "a perfected"

Page 3, after line 3, insert:

"Sec. 5. Minnesota Statutes 1984, section 514.952, subdivision 6, is amended to read:

Subd. 6. [LIEN PRIORITY.] (a) An agricultural production input lien does not have priority over liens that arise under chapter 395 or 514, or over perfected security interests for unpaid rent for the land where the crops were grown. *Perfected agricultural production input liens are a have equal priority with other security interest and have priority according to chapter 336, the uniform commercial code, except as provided in subdivision 5 interests in the same crops or livestock or their proceeds for the lesser of:*

(1) *the amount stated in the lien-notification statement;*

(2) *the unpaid retail cost of the agricultural production input identified in the lien-notification statement; or*

(3) *for livestock any limitation in section 514.954, subdivision 2.*

(b) *The crops or livestock or their proceeds must be distributed on a pro rata basis according to the amount of the lien or security interest. If a secured party or lienholder has collateral other than the crops or livestock or their proceeds, for the same debt, upon the petition of any secured party or lienholder, the court shall marshal the collateral."*

Page 3, line 36, delete "in a manner similar to financing" and insert a period

Page 4, delete line 1 and insert:

"Sec. 9. [EFFECTIVE DATE.]

*This act is effective the day after enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "commitment" insert "for agriculture production inputs"

Page 1, line 7, delete "and" and after "5" insert ", and 6"

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

#### REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on the Isackson motion to amend the DeCramer motion and to re-refer S.F. No. 1118 to the Committee on Judiciary.

There were yeas 7 and nays 6, as follows:

Those who voted in the affirmative were: Bernhagen; Bertram; Isackson; Laidig; Peterson, R.W.; Storm and Merriam

Those who voted in the negative were: Davis, Berg, DeCramer, Stumpf, Wegscheid and Willet

The motion prevailed.

#### SECOND READING OF SENATE BILLS

S.F. Nos. 691, 887, 830, 746, 583, 826, 444, 506, 726, 377, 952, 918, 467, 1027, 835, 1043, 743, 774, 1099, 1026 and 1141 were read the second time.

#### SECOND READING OF HOUSE BILLS

H.F. Nos. 327, 422, 894, 1216, 738, 415, 759, 470, 256, 227, 186, 315, 230, 216, 94 and 454 were read the second time.

#### MOTIONS AND RESOLUTIONS

Mr. Dicklich moved that the name of Mr. Pehler be added as a co-author to S.F. No. 506. The motion prevailed.

Mr. Bertram moved that the his name be stricken as a co-author to S.F. No. 840. The motion prevailed.

Mr. Dicklich moved that the names of Mr. Sieloff and Mrs. Kronebusch be added as co-authors to S.F. No. 876. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Waldorf and Wegscheid be added as co-authors to S.F. No. 1127. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1219. The motion prevailed.

Mr. Willet moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1231. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1285. The motion prevailed.

Mr. Davis moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1286. The motion prevailed.

Mr. Dicklich moved that the name of Mr. Pehler be added as a co-author to S.F. No. 1330. The motion prevailed.

Mr. Novak moved that the name of Mr. Freeman be added as a co-author to S.F. No. 1367. The motion prevailed.

Ms. Reichgott moved that the names of Messrs. Freeman and Luther be added as co-authors to S.F. No. 1387. The motion prevailed.

Mr. Isackson moved that S.F. No. 1235 be withdrawn from the Committee on Education and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Vega moved that S.F. No. 1307 be withdrawn from the Committee on Economic Development and Commerce and re-referred to the Committee on Local and Urban Government. The motion prevailed.

Mr. Waldorf moved that S.F. No. 1328 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Dieterich moved that H.F. No. 953 be withdrawn from the Committee on Public Utilities and State Regulated Industries and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1096. The motion prevailed.

Mr. DeCramer moved that H.F. No. 1065 be withdrawn from the Committee on Local and Urban Government and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 1101. The motion prevailed.

### CALENDAR

S.F. No. 374: A bill for an act relating to property transfers; regulating transfers to persons under a certain age; enacting the uniform transfers to minors act; proposing coding for new law in Minnesota Statutes, chapter 527; repealing Minnesota Statutes 1984, sections 527.01 to 527.11.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**CONSENT CALENDAR**

S.F. No. 679: A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Samuelson introduced—

S.F. No. 1396: A bill for an act relating to natural resources and agriculture; allowing compensation to owners of crops damaged by wild animals; amending Minnesota Statutes 1984, section 3.737, by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Solon introduced—

S.F. No. 1397: A bill for an act relating to the city of Duluth; authorizing the issuance of bonds to purchase capital equipment.

Referred to the Committee on Local and Urban Government.

Mr. Wegscheid, Mmes. Adkins and McQuaid introduced—

S.F. No. 1398: A bill for an act relating to deposit and investment of public funds; modifying the collateral requirements for public deposits; amending Minnesota Statutes 1984, sections 118.005, subdivision 1; 118.01; 475.66, subdivision 1; and 475.76, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Benson introduced—

S.F. No. 1399: A bill for an act relating to taxation; modifying the pro-

cedure used by the state board of equalization for determining property values for taxes payable in 1986.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.J. introduced—

S.F. No. 1400: A bill for an act relating to taxation; establishing an income tax checkoff for the purpose of providing funds for organ transplants; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff and Peterson, D.L. introduced—

S.F. No. 1401: A bill for an act relating to creditors' remedies; exempting individual retirement accounts and similar plans from attachment, garnishment, or sale on final process; amending Minnesota Statutes 1984, section 550.37, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Anderson introduced—

S.F. No. 1402: A bill for an act relating to liquor; authorizing the city of Sebeka to issue a temporary on-sale license.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Frank introduced—

S.F. No. 1403: A bill for an act relating to taxation; exempting certain nonprofit nursing homes from taxation; amending Minnesota Statutes 1984, section 272.02, subdivision 1.

Referred to the Committee on Health and Human Services.

Mr. Wegscheid introduced—

S.F. No. 1404: A bill for an act relating to Dakota county; permitting electronic funds transfers.

Referred to the Committee on Local and Urban Government.

Mr. Stumpf introduced—

S.F. No. 1405: A bill for an act relating to state lands; authorizing the sale of certain state lands in Lake of the Woods county.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Dicklich and Solon introduced—

S.F. No. 1406: A bill for an act relating to taxation; property; extending the assessment years for which reimbursement may be made to taxing districts for certain refunds or abatements made to railroads; allowing a levy in 1986

for certain abatements or refunds made to railroads; clarifying terms; appropriating money; amending Laws 1984, chapter 502, article 9, section 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kroening introduced—

S.F. No. 1407: A bill for an act relating to transportation; authorizing construction of parking facilities for I-394; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

Messrs. Lessard; Johnson, D.J.; Stumpf and Willet introduced—

S.F. No. 1408: A bill for an act relating to natural resources; providing emergency assistance for loggers of state timber who are in serious distress due to abrupt closure of certain timber processing plants; specifying powers and duties of the commissioner of natural resources; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Lessard introduced—

S.F. No. 1409: A bill for an act relating to game and fish; requiring expenditure data in syllabi accompanying game and fish licenses or stamps; amending Minnesota Statutes 1984, section 97.53, subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Novak; Peterson, C.C.; Merriam; Bernhagen and Sieloff introduced—

S.F. No. 1410: A bill for an act relating to taxation; property; changing the assessment ratio for certain utility property; amending Minnesota Statutes 1984, sections 273.13, subdivision 4; and 273.40.

Referred to the Committee on Taxes and Tax Laws.

Mr. Willet introduced—

S.F. No. 1411: A bill for an act relating to the city of Bemidji; permitting the city to contribute to a community seed capital fund.

Referred to the Committee on Local and Urban Government.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1412: A bill for an act relating to mines and minerals; prescribing fencing of unused mine pits and shafts; providing exceptions to tort liability in regard to certain water access sites related to mining areas; providing for a study and report; providing penalties; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 180.03, subdivisions 2, 3, and 4; 180.10; and 466.03, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Langseth; Solon; Pogemiller; Peterson, C.C. and Moe, R.D. introduced—



S.F. No. 1413: A bill for an act relating to human services; creating an economic opportunity commission; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Health and Human Services.

Messrs. Jude and Ramstad introduced—

S.F. No. 1414: A bill for an act relating to the city of Plymouth; authorizing the reassessment of special assessments against certain lands in the city.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Peterson, C.C. and Lessard introduced—

S.F. No. 1415: A bill for an act relating to game and fish; requiring a single annual licensing procedure with stamps; amending Minnesota Statutes 1984, sections 98.49; and 98.50, subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson, D.E. introduced—

S.F. No. 1416: A bill for an act relating to retirement; membership of county historical society employees in the public employees retirement association; amending Minnesota Statutes 1984, section 353.01, subdivision 2a.

Referred to the Committee on Governmental Operations.

Mrs. Lantry introduced—

S.F. No. 1417: A bill for an act relating to the city of St. Paul; applying portions of the state ethical practices law to candidates in the city elections.

Referred to the Committee on Elections and Ethics.

Mr. Benson introduced—

S.F. No. 1418: A bill for an act relating to taxation; sales and use; reducing the general rate to five percent; amending Minnesota Statutes 1984, sections 297A.02, subdivision 1; 297A.03, subdivision 2; 297A.14; 297B.02; and 297B.08.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon; Gustafson; Dicklich; Johnson, D.J. and Nelson introduced—

S.F. No. 1419: A bill for an act relating to education; appropriating money to plan a residential school of science and mathematics in Duluth.

Referred to the Committee on Education.

Messrs. Solon; Johnson, D.J.; Dicklich; Kroening and Waldorf introduced—

S.F. No. 1420: A bill for an act relating to retirement; making permanent

the rule of 85; amending Minnesota Statutes 1984, section 356.70, subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Peterson, C.C.; Mmes. McQuaid and Kronebusch introduced—

S.F. No. 1421: A bill for an act relating to taxation; sales tax; exempting candy; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1422: A bill for an act relating to utilities; establishing a study of the effects of deregulation of certain gas and electric utility functions; appropriating money.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Johnson, D.J. and Dicklich introduced—

S.F. No. 1423: A bill for an act relating to taxation; providing for the allocation among governmental units of increases in the assessed valuation of commercial-industrial property within the taconite tax relief area; providing a formula for the distribution of additional revenues to municipalities within the taconite tax relief area; proposing coding for new law as Minnesota Statutes, chapter 276A.

Referred to the Committee on Taxes and Tax Laws.

Mr. Petty, Ms. Peterson, D.C.; Messrs. Spear, Laidig and Ms. Berglin introduced—

S.F. No. 1424: A bill for an act relating to the metropolitan sports facilities commission; renaming it the metropolitan sports and convention facilities commission; authorizing it to acquire, design, construct, equip, improve, control, operate, and maintain convention and trade show facilities and related facilities in the city of Minneapolis and to expend certain money for it; authorizing it to exercise eminent domain; authorizing it to issue bonds to finance the acquisition and betterment of convention and trade show facilities and related facilities; authorizing the city of Minneapolis to expend certain funds, including taxes and tax increments, for commission purposes; authorizing the city of Minneapolis and the metropolitan council to contract with the commission and to exercise powers of the commission and perform other acts; authorizing the city to levy and collect certain taxes and to issue bonds to finance the acquisition and betterment of the facility; authorizing the city to proceed with the convention and trade show facilities if the commission does not; authorizing the council to issue bonds to finance the acquisition and betterment of convention and trade show facilities or to refund outstanding bonds issued to finance certain sports facilities, and to levy taxes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Economic Development and Commerce.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, April 4, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate