

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, April 11, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Theodore J. Vinger.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 10, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 122, 198 and 483.

Sincerely,

Rudy Perpich, Governor

REPORTS OF COMMITTEES

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

adopted with the exception of the report on S.F. No. 1127. The motion prevailed.

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

S.F. No. 1177: A bill for an act relating to wild animals; increasing certain game, fish, and related license and other fees; amending Minnesota Statutes 1984, sections 97.4841, subdivision 3; 97.4842, subdivision 2; 98.46, subdivisions 2 and 14; 98.47, subdivision 1; and 100.271, subdivision 2.

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

Pages 1 and 2, delete sections 3 and 4 and insert:

"Sec. 3. Minnesota Statutes 1984, section 98.46, subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

(1) to take small game, \$7;

(2) to take deer with firearms, \$15;

(3) to take deer with bow and arrow, \$15;

(4) to take fish by angling for persons under age 65, \$6.50;

(5) to take fish by angling for persons age 65 and over, \$3, including residents who have attained the age of 65 years who also may take fish by spearing under this angling license. The surcharge imposed by section 97.86 does not apply to residents who have attained the age of 65 years;

~~(5)~~ (6) combination husband and wife for both spouses under age 65, to take fish by angling, \$10.50;

~~(6)~~ (7) to take moose, ~~\$140~~ \$200 for an individual or for a party of not to exceed four persons;

~~(7)~~ (8) to take bear only, ~~\$15~~ \$25;

~~(8)~~ (9) to take turkeys, \$10, in addition to a small game license.

Sec. 4. Minnesota Statutes 1984, section 98.46, subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) to take small game and unprotected quadrupeds with firearms and bow and arrows, ~~\$35~~ \$46;

(2) to take deer and unprotected quadrupeds with firearms, ~~\$75~~ \$100;

(3) to take deer and unprotected quadrupeds with a bow and arrows only, ~~\$75~~ \$100;

(4) to take bear, ~~\$100~~ \$175;

(5) to take turkeys, \$30, in addition to a small game license;

(6) to hunt raccoon, bobcat, fox, coyote, or Canada lynx, with or without

dogs, \$100, in addition to nonresident small game license.

Sec. 5. Minnesota Statutes 1984, section 98.46, subdivision 15, is amended to read:

Subd. 15. Fees for the following licenses, to be issued to nonresidents, shall be:

(1) to take fish by angling, \$15;

(2) a short term individual license to take fish by angling for seven consecutive days, \$10.50;

(3) a short term individual license to take fish by angling for ~~one day~~ three days, \$5 \$7.50;

(4) combination husband and wife, *including their children under age 16*, to take fish by angling, ~~\$20~~ \$30;

(5) for any fish house used during the winter fishing season, \$15. A fish house licensed pursuant to this subdivision shall be identified as prescribed in subdivision 5. The house shall be collapsible and portable, and shall at no time be left unattended while on the ice. The provisions of section 101.42 not inconsistent herewith shall also apply to fish houses licensed pursuant to this subdivision."

Page 4, line 1, delete "*Sections 1 to 6 are*" and insert "*This act is*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "and" and insert a comma

Page 1, line 6, after "14" insert ", and 15"

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

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

S.F. No. 60: A bill for an act relating to game and fish; public safety; requiring certain persons to complete firearm safety instruction as condition for target practice or hunting with firearms; amending Minnesota Statutes 1984, section 97.83; 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 97.81, subdivision 1, is amended to read:

Subdivision 1. The commissioner of natural resources is authorized and directed to publish rules and regulations establishing a state-wide program of instruction in the safe use of firearms *and archery equipment*.

Such regulations shall provide for courses of instruction in every municipality or school district in this state by the commissioner of natural resources

in cooperation with organizations, groups, associations and any private or public corporation or political subdivision of the state, the United States, or any federal agency. The courses shall instruct the youth of the state in the commonly accepted principles of safety in hunting and in the handling of all types of common hunting firearms *and archery equipment*.

Sec. 2. Minnesota Statutes 1984, section 97.81, subdivision 2, is amended to read:

Subd. 2. The commissioner or his authorized agent shall issue a certificate of satisfactory completion of the course of instruction required by ~~Laws 1957, Chapter 537~~ *this section*, to any person entitled thereto. The form and content of the certificate shall be as prescribed by the commissioner.

Sec. 3. Minnesota Statutes 1984, section 97.83, subdivision 2, is amended to read:

Subd. 2. Any law enforcement officer is authorized and directed in the name of the state to seize and hold any firearm used in violation of ~~Laws 1957, Chapter 537~~ *this section*. Firearms so seized shall be tagged with the name and address of the ~~youth person~~ from whom it was taken and a receipt given therefor. The firearm shall be placed in the custody of the state conservation officer in whose area the seizure was made.

Sec. 4. Minnesota Statutes 1984, section 97.83, subdivision 3, is amended to read:

Subd. 3. The conservation officer in whose custody a firearm seized under ~~Laws 1957, Chapter 537~~ *this section* is deposited shall hold the firearm until 90 days after the next commencing date of a firearm training course in the county, and if, during such time, the youth from whom the weapon was taken presents a certificate of completion of the course of instruction provided for in ~~Laws 1957, Chapter 537~~ *section 97.81, subdivision 2*, the firearm shall be returned to him. However, after the firearm has been held for such time, if no valid demand has been made for the return thereof, the firearm is contraband and forfeited to the state and shall be disposed of as the commissioner may prescribe.

Sec. 5. Minnesota Statutes 1984, section 97.83, is amended by adding a subdivision to read:

Subd. 4. [PERSONS UNDER AGE 18 MUST HAVE FIREARM SAFETY CERTIFICATE TO PURCHASE LICENSES.] *A person under age 18, born after December 31, 1972, must have a firearm safety certificate to be issued a small game or big game license.*

Sec. 6. Minnesota Statutes 1984, section 97.83, is amended by adding a subdivision to read:

Subd. 5. [CERTIFICATE FROM ANOTHER JURISDICTION MAY BE USED.] *A person may use a certificate of successful completion of a firearm safety course from another jurisdiction instead of the firearm safety certificate if the person submits the certificate from the other jurisdiction to and receives approval from the supervisor of hunting safety of the department of natural resources.*

Sec. 7. Minnesota Statutes 1984, section 98.45, subdivision 1, is amended

to read:

Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for a year beginning on the first day of March and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. Except as provided in this section, no license to take deer with firearm or with bow and arrow may be issued after the day prior to the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the first business day following the first day of such season. A license to take deer with bow and arrow issued after the opening of the bow and arrow deer season shall not be valid until the fifth day after it is issued. *A person under age 18 and born after December 31, 1972, may not be issued a license to take big game by archery unless the person presents a firearm safety certificate.* A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except as authorized by order of the commissioner adopted pursuant to section 97.53 and except the non-resident short term angling license, may be issued to a person in any licensing year. No license may be transferred except as expressly authorized.

Sec. 8. [EFFECTIVE DATE.]

This act is effective January 1, 1986."

Delete the title and insert:

"A bill for an act relating to game and fish; including instruction on archery equipment in the firearm safety course; requiring certain persons to complete firearm safety instruction to receive hunting licenses; requiring certain persons to present a firearm safety certificate before an archery license to take big game is issued; amending Minnesota Statutes 1984, sections 97.81, subdivisions 1 and 2; 97.83, subdivisions 2 and 3, and by adding subdivisions; and 98.45, subdivision 1."

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. 1091: A bill for an act relating to natural resources; providing for performance bonds or equivalent security for forestry development projects; amending Minnesota Statutes 1984, section 574.26; proposing coding for new law in Minnesota Statutes, chapter 574.

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

Page 2, line 21, delete everything after "project"'''

Page 2, line 22, delete "*limited to,*" and insert "*includes*"

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. 1231: A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

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

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

S.F. No. 1261: A bill for an act relating to the environment; directing the state planning director to encourage recycling; amending Minnesota Statutes 1984, section 116K.04, subdivision 1.

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

Page 2, line 20, after "(8)" insert "*Act in coordination with other state agencies to*"

Page 2, delete section 2

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. 1359: A bill for an act relating to the economic crisis in northeastern Minnesota; creating the Northeastern Minnesota Economic Development Corporation to promote economic development in northeastern Minnesota and to provide incentives for industrial and manufacturing enterprises to locate in northeastern Minnesota; providing for a board of directors and an advisory committee; establishing a northeastern Minnesota economic recovery fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 116N.

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

Delete everything after the enacting clause and insert:

"Section 1. [116M.14] [NORTHEASTERN MINNESOTA ECONOMIC RECOVERY FUND.]

Subdivision 1. [DEFINITIONS.] For the purposes of sections 1 to 5, the terms defined in this section have the meaning given them.

(1) "*Board*" means the board of directors of the Minnesota Energy and Economic Development Authority.

(2) "*Recovery fund*" means the northeastern Minnesota economic recov-

ery fund established by section 3.

(3) "Region" means the area consisting of the counties of Cook, Carlton, Pine, St. Louis, Koochiching, Lake, Itasca, and Aitkin.

(4) "Permanent job" means the equivalent of one person employed full time for one year, as determined by the board. It shall not include temporary construction jobs or jobs that are not directly connected with or a part of the industrial, distribution, manufacturing, or research facility that is developed with assistance under this act.

(5) "Project" means any undertaking that receives a loan from the recovery fund.

(6) "Council" means the northeastern Minnesota economic development advisory council.

Sec. 2. [116M.15] [ADVISORY COUNCIL.]

Subdivision 1. The board shall appoint a 15-member northeastern Minnesota economic development advisory council. Council members shall be residents of the region. The board shall designate one member of the council to serve as its chairman. Vacancies shall be filled in the same manner as the original appointment. Members of the council shall serve for two years.

Subd. 2. The council shall:

(1) assist the board with promotional efforts directed to the economic recovery of the region;

(2) advise and comment to the board about plans, programs, and activities for the economic recovery of the region;

(3) review and comment to the board upon proposed projects of the recovery fund;

(4) consider and make recommendations upon any matter which the governor or the board may submit to it; and

(5) review and comment to the board on the number of permanent jobs created by projects receiving loans from the recovery fund.

Subd. 3. The council shall meet at least four times each year, and shall adopt bylaws for the conduct of its business by a majority vote of the council members. Members of the council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties that are approved in writing by the board or its designee before incurred. The council shall receive from the commissioner of energy and economic development sufficient administrative and staff services to carry out the provisions of this section. The costs of administrative and staff expenses shall be paid out of the deposits in the recovery fund; not to exceed \$150,000 annually.

Sec. 3. [116M.16] [NORTHEASTERN MINNESOTA ECONOMIC RECOVERY FUND.]

Subdivision 1. [CREATION OF FUND.] The northeastern Minnesota economic recovery fund is created and shall be administered by the board with the advice of the council. The board may use amounts on deposit in the fund to promote economic recovery in northeastern Minnesota and to provide in-

centive for manufacturing and industrial enterprises to locate in northeastern Minnesota. No portion of the fund may be used for any project the objective of which is to increase tourism or construct recreation facilities in the region. A disbursement from the recovery fund for a project may be made if the board finds that:

(a) The project is economically sound and will benefit the people of the region and of the state by increasing opportunities for employment and strengthening the economy of the region and the state.

(b) The project would not be undertaken but for the availability of assistance from the recovery fund.

(c) The amount to be made available by the board will not exceed 50 percent of the total amount of capital investment in the project, which total capital investment shall not be less than \$5,000,000.

Fees, charges, rates of interest, times of payment of interest and principal, security, and other terms, conditions, and provisions of the loans made by the board shall be as the board determines appropriate and in furtherance of the purpose for which the loans are made. The funds used in making loans shall be disbursed upon order of the board.

Subd. 2. [LIMITATIONS ON USE OF RECOVERY FUND.] Unless waived by a two-thirds vote of the board, the following limitations apply to use of the money in the recovery fund.

Any loan from the recovery fund shall not exceed one-half of the total capital investment in the project. The interest rate on the loan from the recovery fund shall be initially set or reduced to no less than the rate indicated in the table below based on the number of permanent jobs anticipated to be created by the project:

PERMANENT JOBS CREATED	MINIMUM INTEREST RATE PERCENT
Less than 50	8
51 to 100	6
101 to 150	5
Over 150	3

The board shall annually review the project's employment records and adjust the interest rate based on the number of permanent jobs after each of the first two years of operation as determined by the board.

After the second year of operation, the board shall set an interest rate for the remainder of the loan period based on the number of permanent jobs it anticipates will be created by the project.

Sec. 4. [116M.17] [TERMINATION.]

The recovery fund shall remain in existence until June 1, 1990, at which time all unencumbered assets of the recovery fund shall be deposited in the general fund of the state.

Sec. 5. [116M.18] [ANNUAL REPORT AND AUDIT.]

The board shall report to the legislature annually on the projects that it has assisted in developing the previous year, and the goals and objectives of the recovery fund for the subsequent year. The board shall also provide for an annual audit of the recovery fund and its other assets by an independent certified public accountant, which audit report shall be submitted to the legislature for its review.

Sec. 6. [COMPLEMENT.]

The approved complement of the department of energy and economic development is increased by four positions in order to fulfill the provisions in sections 1 to 5.

Sec. 7. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the board to be deposited in the northeastern Minnesota economic recovery fund established by section 3."

Amend the title as follows:

Page 1, line 4, before "Economic" insert "Energy and" and delete "Corporation" and insert "Authority"

Page 1, line 9, delete "committee" and insert "council"

Page 1, line 11, delete "as" and insert "in" and delete "116N" and insert "116M"

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

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

S.F. No. 1322: A bill for an act relating to economic development; creating a council on biotechnology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Pages 1 and 2, delete section 1

Page 2, line 3, delete "116J.96" and insert "116J.95"

Page 2, delete lines 12 to 15

Page 2, line 24, delete "116J.97" and insert "116J.96"

Page 3, line 11, delete "to 3" and insert "and 2"

Renumber the sections 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. 1203: A bill for an act relating to state departments and agencies; requiring agencies to provide services and materials in languages other than

English; proposing coding for new law as Minnesota Statutes, chapter 15B.

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

Delete everything after the enacting clause and insert:

“Section 1. [15B.01] [COMMUNICATIONS SERVICES.]

Subdivision 1. [STATE AGENCIES; BILINGUAL EMPLOYEES.] Every state agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people.

The commissioner of administration shall determine the application of this section to each state agency, in consultation with the council on affairs of Spanish-speaking people, groups representing other non-English-speaking people, and the head of the agency. In determining what constitutes a substantial number of non-English-speaking people the commissioner shall consider:

- (1) the number of people served by the agency;*
- (2) the number of non-English-speaking people served by the agency;*
- (3) the frequency with which non-English-speaking people are served by the agency; and*
- (4) the extent to which information or services rendered by the agency affect legal rights, privileges or duties.*

Subd. 2. [LOCAL AGENCIES; BILINGUAL EMPLOYEES.] Every local public agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions, or enough interpreters to assist those in these positions, to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people. The local agency shall determine what constitutes a substantial number of non-English-speaking people and enough qualified bilingual persons. In making these determinations, the local agency shall consider the criteria listed in subdivision 1, clauses (1) to (4).

Sec. 2. [15B.02] [TRANSLATIONS OF MATERIALS EXPLAINING AGENCY SERVICES.]

Every state agency that serves a substantial number of non-English-speaking people and that provides materials in English explaining services is encouraged to provide equivalent materials in any non-English language spoken by a substantial number of the people served by the agency. An agency should give highest priority to providing in a non-English language materials that notify people of legal rights, duties, or privileges they are entitled to, and the steps they must take to obtain or maintain those rights, duties, or privileges. When notice of the availability of material explaining services available is given, orally or in writing, it should be given in English and the non-English language into which any material has been translated.

Sec. 3. [15B.03] [HELP WITH LETTERS AND FORMS.]

Subdivision 1. [TRANSLATED WRITTEN MATERIALS.] A state agency is encouraged to provide its local offices with written materials in the appropriate foreign language when:

(1) the local office or facility serves a substantial number of non-English-speaking people;

(2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order a person to provide information or to give a person information; and

(3) the information asked for or given could affect the person's rights, duties, or privileges with regard to the agency's services, or benefits.

Sec. 4. [15B.04] [LIMITATIONS.]

Subdivision 1. [OBTAINING BILINGUAL EMPLOYEES.] A state or local agency may not dismiss an employee or increase its complement to carry out the purposes of sections 1 to 3. A local or public agency need only implement sections 1 to 3 by filling employee public contact positions made vacant by retirement or normal attrition.

Subd. 2. [SCHOOLS AND EDUCATION; NOT AFFECTED.] Sections 1 to 3 do not apply to school districts, boards of education, or the office of a superintendent of schools.

Subd. 3. [FEDERAL LAW AND CIVIL SERVICE.] Sections 1 to 3 shall be implemented to the extent permissible under federal law, civil service laws governing state and local agencies, and collective bargaining agreements."

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. 1233: A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

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

Page 1, line 14, strike "for award"

Page 2, line 10, delete "five-percent"

Page 2, line 11, after "preference" insert " , not to exceed 12 1/2 percent,"

Page 2, line 14, before the period, insert " . In awarding any preference under this subdivision, the commissioner shall set the percentage at a rate that will further the purposes of this subdivision at the least cost to the state"

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 1984, section 16B.19, subdivision 6, is amended to read:

Subd. 6. [CONTRACTS IN EXCESS OF \$200,000; SET-ASIDE.] The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional, or technical services pursuant to section 16B.17 in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons. *If for any prime contract no business owned and operated by a socially or economically disadvantaged person or persons is able to perform subcontracting amounting to at least ten percent of the contract, the commissioner may waive the requirement of this subdivision, but must increase the set-aside requirement for other contracts awarded or to be awarded by the same agency in the same fiscal year by an amount equal to the dollar value of the subcontracting for which the set-aside requirement was waived.* Any subcontracting pursuant to this subdivision ~~may not~~ must be included in determining the total amount of awards required by subdivisions 1, 2, and 5. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. The commissioner may determine that small businesses owned and operated by socially and economically disadvantaged persons are unable to perform at least ten percent of the prime contract award prior to the advertising for bids. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of \$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work on the prime contract and the dollar amount of the work performed or to be performed.

This subdivision does not apply to prime contractors that are themselves small businesses owned and operated by socially or economically disadvantaged persons, as duly certified pursuant to section 16B.22.

Sec. 3. Minnesota Statutes 1984, section 16B.19, subdivision 9, is amended to read:

Subd. 9. [PROCUREMENT PROCEDURES.] All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply equally to procurements designated for small businesses. In the event of conflict with other rules, *section 16B.18 and rules adopted under it govern if section 16B.18 applies. If it does not apply, sections 16B.19 to 16B.22 and rules adopted under those sections govern.*

Sec. 4. Minnesota Statutes 1984, section 16B.19, is amended by adding a subdivision to read:

Subd. 10. [APPLICABILITY.] This section does not apply to construction contracts or contracts for consultant, professional, or technical services under section 16B.17 that are financed in whole or in part with federal funds and that are subject to federal disadvantaged business enterprise regulations."

Page 4, line 10, strike everything after the period

Page 4, strike lines 11 to 15

Page 4, line 16, strike everything before "The"

Page 5, after line 1, insert:

"Sec. 7. Minnesota Statutes 1984, section 645.445, subdivision 5, is amended to read:

Subd. 5. "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic conditions. This disadvantage may arise from cultural, social or economic circumstances, or background, physical location if the person resides or is employed in an area designated a labor surplus area by the United States department of labor, or other similar cause. It includes racial minorities, women, or persons who have suffered a substantial physical disability. *For purposes of sections 16B.19 to 16B.22, the definition of "socially or economically disadvantaged person" includes sheltered workshops and work activity programs."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "including sheltered workshops in definition of socially or economically disadvantaged persons;"

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

Page 1, line 7, delete the first "subdivision" and insert "subdivisions" and after "5" insert ", 6, 9, and by adding a subdivision"

Page 1, line 7, delete "and" and before the period, insert "; and 645.445, subdivision 5"

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

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

S.F. No. 1127: A bill for an act relating to children; expanding the definition of a medically neglected child; requiring the local agency to report and initiate proceedings in cases of medical neglect; amending Minnesota Statutes 1984, sections 260.015, subdivision 10; 626.556, subdivision 2, and by adding a subdivision.

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

Page 2, line 6, delete "all"

Page 2, line 10, delete the semicolon and insert a colon

Page 2, line 13, delete "all of"

Page 4, after line 14, insert:

"Sec. 3. Minnesota Statutes 1984, section 626.556, subdivision 10b, is amended to read:

Subd. 10b. [DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY.] If the report alleges that a child in the care of a facility as defined in subdivision 2 is neglected, *including medically neglected*, physically abused, or sexually abused by an individual in that facility, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal to him of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section. *Upon receipt of a report of medical neglect as defined in section 260.015, subdivision 10, clause (e), the commissioner has the authority to arrange for an independent medical examination of the child, to examine the child's medical records, and to interview the child's physicians and parents."*

Page 4, line 22, after "infant" insert "and arrange for an independent medical examination of the child"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for intervention by commissioner of human services after a report of medical neglect;"

Page 1, line 6, delete "subdivision 2" and insert "subdivisions 2 and 10b"

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

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

S.F. No. 847: A bill for an act relating to crimes; allowing the testimony of the complaining victim of child abuse to be taken by closed-circuit television; proposing coding for new law in Minnesota Statutes, chapter 631.

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

Page 2, line 18, delete "may examine" and insert "shall interview"

Page 2, line 22, after "courtroom" delete "in" and insert "by" and after "the" at the end of the line, insert "examining attorney."

Page 2, delete line 23 and insert "The complaining victim is entitled to support by a parent, guardian, or someone of the victim's own choosing during the examination."

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. 1357: A bill for an act relating to contempt of court; providing penalties for failure to file a complete income tax return pursuant to court order; proposing coding for new law in Minnesota Statutes, chapter 588.

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

Page 1, line 11, after "*court*" insert "*for failure*"

Page 1, line 13, delete "*forfeiture*" and insert "*fine*"

Page 1, line 14, delete "\$5,000" and insert "\$500"

Page 1, line 15, after "*continues*" insert a comma and after "*court*" insert a comma

Page 1, line 17, before the period, insert "*to the state*" and delete "*also*"

Page 1, line 18, delete "*designed*"

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. 1191: A bill for an act relating to human rights; eliminating court examination of evidence when there is a failure to comply with an order; amending Minnesota Statutes 1984, section 363.091.

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

Page 1, line 22, before "If" insert "*The hearing on the order to show cause shall be solely on the basis of affidavits, arguments of counsel and all the recordings and proceedings of the administrative hearing.*"

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. 1036: A bill for an act relating to domestic abuse; providing for service by publication under certain circumstances under the Domestic Abuse Act; clarifying relief and providing for additional relief; amending Minnesota Statutes 1984, section 518B.01, subdivisions 4, 5, 6, and 7.

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

Page 3, line 13, delete "*any party*" and insert "*one or both parties*"

Page 3, line 17, before the semicolon, insert "*or communicated to the party restrained in open court*"

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. 1008: A bill for an act relating to human rights; providing for the confidentiality of the investigatory data of the department of human rights; providing for the legal effect of a subpoena issued by the commissioner of human rights; amending Minnesota Statutes 1984, sections 363.01, by adding subdivisions; 363.05, subdivision 2; and 363.06, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 363.

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

Page 3, lines 10, 13, 17, 19, 24, 26, 28, and 34, delete "*investigatory*" and insert "*investigative*"

Page 3, lines 12 and 27, before "*Human*" insert "(a)"

Page 3, lines 14 and 30, delete "*charge form itself*" and insert "*name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought*"

Page 3, line 15, delete "*charge form is*" and insert "*name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought are*"

Page 3, line 16, delete "*information*" and insert "*data*"

Page 3, line 17, delete "*form*" and insert "*data*"

Page 3, lines 19 and 34, before "*Human*" insert "(b)"

Page 3, lines 22 and 36, before "*Notwithstanding*" insert "(c)"

Page 3, line 23, delete "*in his discretion*"

Page 3, lines 25 and 26, delete "*he determines that*"

Page 3, line 31, after "*contain*" insert "*identifying*" and delete "*an*" and insert "*any*"

Page 3, line 32, before the comma, insert "*other than the complainant or respondent*"

Page 4, line 1, delete "*in his discretion*"

Page 4, line 2, delete "*investigatory*" and insert "*investigative*"

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. 931: A bill for an act relating to human services; authorizing a court to order release of certain confidential information; amending Minnesota Statutes 1984, section 254A.09.

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

Page 1, line 11, strike "*individuals*" and insert "*any individual*" and strike "*are*" and insert "*is*"

Page 1, line 12, delete "*are recipients*" and insert "*is a recipient*"

Page 1, line 15, strike the second "the"

Page 1, line 16, strike "names" and insert "name"

Page 1, line 18, strike "individual" and insert "subject" and after "that" insert "identifying"

Page 1, line 19, strike everything before "may"

Page 2, line 13, delete "which" and insert "that" and after "determined" insert "to be"

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. 710: A bill for an act relating to courts; providing that tax court judges must be learned in the law; permitting retired tax court judges and district court judges to serve on the tax court; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

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

Pages 1 and 2, delete section 1

Page 2, line 10, delete "his or her" and insert "the judge's"

Page 2, line 16, after "pay" insert " , on a per diem basis during the days that the retired judge is hearing a case or acting on it,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "providing that tax court judges"

Page 1, line 3, delete "must be learned in the law;"

Page 1, line 6, delete "subdivision 1, and"

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

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

S.F. No. 1118: A bill for an act relating to agriculture; requiring reason for lender's refusal to respond with letter of commitment for agriculture production inputs; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, 5, and 6; 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 2, lines 24 and 25, delete the new language

Page 3, delete section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "reason for"

Page 1, delete lines 3 and 4 and insert "response for an agricultural production input lien"

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

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. 1356: A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 65B.44, subdivision 6; 181.13; 268.06, subdivision 5; 429.061, subdivision 1; 471.705, subdivision 2; 609.11, subdivision 8; and 631.09; repealing Minnesota Statutes 1984, section 422A.156.

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

Pages 4 and 5, delete section 4

Pages 7 and 8, delete sections 6 and 7

Page 8, delete section 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "268.06, subdivision 5;"

Page 1, line 7, delete "471.705, subdivision 2; 609.11,"

Page 1, line 8, delete "subdivision 8;" and delete "; repealing Minnesota" and insert a period

Page 1, delete line 9

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. 1366: A bill for an act relating to corporations; providing an alternative corporate governing statute for certain publicly held corporations; imposing a franchise tax; amending Minnesota Statutes 1984, sections 53.01; 168.33, subdivision 2; 316.24; and 508.16, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 302B.

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

Page 49, lines 17 and 18, delete "and chapter 80B do" and insert "does"

And when so amended the bill be re-referred to the Committee on Taxes and Tax Laws without recommendation. Amendments adopted. Report adopted.

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

S.F. No. 919: A bill for an act relating to agriculture; protecting buyers

when subject to a security interest; amending Minnesota Statutes 1984, section 336.9-307.

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. 1388: A bill for an act relating to courts; clarifying the jurisdiction of the court of appeals to issue writs; amending Minnesota Statutes 1984, section 480A.06, subdivision 6.

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 480A.06, subdivision 3, is amended to read:

Subd. 3. [CERTIORARI REVIEW.] *The court of appeals shall have jurisdiction to issue writs of certiorari to all agencies, public corporations and public officials, except the tax court and the workers' compensation court of appeals. The court of appeals shall have jurisdiction to review decisions of the commissioner of economic security, pursuant to section 268.10.*

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete "6" and insert "3"

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. 979: A bill for an act relating to dispute resolution; establishing guidelines for community dispute resolution programs; proposing coding for new law in Minnesota Statutes, chapter 494.

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

Page 1, lines 9 and 13, delete "8" and insert "9"

Page 1, line 11, before "[DEFINITIONS.]" insert "[494.05]"

Page 1, after line 13, insert:

"Subd. 2. [ARBITRATOR.] *"Arbitrator" means an impartial person who issues a third-party decision resolving a dispute."*

Page 1, line 17, delete "section"

Page 1, line 18, delete "494.03 and in" and delete "5" and insert "6"

Page 1, after line 18, insert:

"Subd. 4. [DISPUTE RESOLUTION.] *"Dispute resolution" means a*

process voluntarily entered into by the parties to a dispute to resolve the dispute through agreement or a third-party decision."

Page 1, after line 20, insert:

"Subd. 6. [NEUTRAL.] *"Neutral" means a mediator or arbitrator."*

Page 1, delete lines 24 and 25

Page 2, delete lines 1 and 2

Page 2, line 5, delete everything after *"with"*

Page 2, line 6, delete *"8"* and insert *"this chapter"*

Renumber the subdivisions in sequence

Page 2, line 13, delete *"494.05"* and insert *"494.06"*

Page 2, line 22, after the period, insert:

"Subd. 4. [PROTECTION OF PARTICIPANTS IN CRIMINAL MATTERS.]"

Page 3, line 17, delete *"such"* and insert *"private"*

Page 4, line 3, delete the first *"he or she"* and insert *"the neutral"* and delete the second *"he or she"*

Renumber the subdivisions in sequence

Page 4, line 24, delete *"494.06"* and insert *"494.07"*

Page 4, line 30, delete *"494.07"* and insert *"494.08"*

Page 5, line 7, delete *"494.08"* and insert *"494.09"*

Page 5, line 8, before *"A"* insert *"Subdivision 1. [EXCLUDED DISPUTES.]"*

Page 6, after line 2, insert:

"Subd. 2. [OTHER AUTHORITY NOT AFFECTED.] *The exclusions in this section do not restrict the authority of the court or departments of the court from accepting for resolution a dispute arising under chapters 518, 518A, or 518C, or from referring disputes arising under chapters 518 and 518A to for-profit mediation."*

Page 6, line 3, delete *"494.08"* and insert *"494.10"*

Page 6, line 7, delete *"8"* and insert *"9"*

Page 6, line 10, delete everything after *"shall"*

Page 6, line 11, delete everything before *"volunteers"* and insert *"select"*

Page 6, line 18, delete *"neutral"*

Page 6, line 24, delete *"Further,"*

Page 6, line 26, delete everything after *"nor"*

Page 6, line 27, delete everything before *"training"* and insert *"exclusive and"* and after *"training"* insert *"is not limited"*

Page 6, line 29, delete *"is a"* and insert *"are"* and delete everything after *"minimum"* and insert *"requirements and"*

Page 6, line 30, delete *"will"* and insert *"may"*

Page 7, line 4, delete "*Further,*"

Page 7, lines 15, 18, 21, 25, 28, 31, and 34, delete "*The required training curriculum for the community*"

Page 7, lines 16, 19, 22, 26, 29, 32, and 35, delete "*dispute resolution program must include*"

Page 7, lines 17, 20, 24, 27, 30, and 33, delete the period and insert a semicolon

Page 8, lines 2 and 6, delete the period and insert a semicolon

Page 8, lines 3, 7, and 16, delete "*The required training curriculum for the community*"

Page 8, lines 4, 8, and 17, delete "*dispute resolution program must include*"

Page 8, line 15, delete the period and insert "and"

Page 8, line 21, delete "(k)"

Page 8, line 30, delete "494.09" and insert "494.11"

Page 8, line 33, delete "*sections 494.01 to 494.03 and 1 to 8*" and insert "*this chapter*"

Page 9, line 2, delete "*administrator's office*" and insert "*administrator*"

Page 9, line 20, delete "494.10" and insert "494.12"

Page 9, after line 35, insert:

"Sec. 10. [REPEALER.]

Minnesota Statutes 1984, sections 494.01, subdivision 3, 494.02, and 494.03, are repealed."

Page 10, line 1, delete "8" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert "repealing Minnesota Statutes 1984, sections 494.01, subdivision 3; 494.02; and 494.03"

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. 1003: A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psychotherapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

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

Page 1, delete section 1

Page 1, line 21, delete "16" and insert "15"

Page 1, line 25, delete "17" and insert "16"

Page 2, line 3, delete "18" and insert "17"

Page 2, after line 5, insert:

"Sec. 4. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 18. "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact or sexual penetration by the psychotherapist.

Sec. 5. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 19. "Therapeutic deception" means a representation by a psychotherapist that sexual contact or sexual penetration by the psychotherapist is consistent with or part of the patient's treatment."

Page 2, line 27, reinstate the stricken language and delete the new language

Page 3, delete lines 2 to 8

Page 3, line 9, delete "a defense" and insert:

"(f) The actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred during the psychotherapy session. Consent by the complainant is not a defense;

(g) The actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist; or

(h) The actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense"

Page 3, line 31, reinstate the stricken language and delete the new language

Page 4, delete lines 6 to 12

Page 4, line 13, delete "defense" and insert:

"(f) The actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred during the psychotherapy session. Consent by the complainant is not a defense;

(g) The actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist; or

(h) The actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense"

Page 4, line 19, delete "fabrication by the complainant is a defense, and"

Page 4, line 27, delete "*upon expert testimony*" and delete the second "to"

Page 4, line 28, delete "*the issue of fabrication*"

Page 4, line 34, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "prohibiting sexual contact or"

Page 1, line 3, delete "penetration based on deception;"

Page 1, line 5, after "patient" insert "under certain circumstances"

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

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

S.F. No. 863: A bill for an act relating to commerce; modifying the definition of credit card to include other types of instruments; prescribing criminal penalties for financial transaction card fraud; amending Minnesota Statutes 1984, sections 325G.02, subdivisions 2 and 4; 325G.03; 325G.04; 325G.041; 325G.05; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 10, line 14, delete "*in addition specifically*"

Page 10, line 19, delete "*the*" and insert "*a*"

Page 10, line 20, delete "*thereof*"

Page 10, line 23, delete "*Whoever*" and insert "*A person who*"

Page 10, line 24, delete "*, and may be*" and insert a colon

Page 10, delete line 25

Page 10, line 27, delete "*he or she is without the consent of*" and after "*cardholder*" insert "*has not given consent*"

Page 10, lines 28, 31, and 36, delete "*or*"

Page 10, line 29, delete "*that he or she knows*" and insert "*knowing it*"

Page 11, line 1, delete "*therefore*"

Page 11, line 5, delete "*which he or she knows*" and insert "*knowing the cards*"

Page 11, lines 7 and 20, delete "*or*"

Page 11, line 9, delete "*upon presentation of a*"

Page 11, delete line 10

Page 11, line 11, delete "*employee of the person*"

Page 11, line 14, delete "*which he*"

Page 11, line 15, delete "*or she knows is*" and insert "*knowing it to be*"

and before "that" insert "knowing" and after "that" insert "it".

Page 11, line 16, delete "whom he or she knows to be"

Page 11, line 18, delete "he or she" and insert "the person"

Page 11, line 22, delete " , knowingly makes or causes to be made a false statement" and insert ":

(i) knowingly gives a false name or occupation; or

(ii) knowingly and substantially overvalues assets or substantially undervalues indebtedness for the purpose of defrauding the issuer to extend credit; or

(7) with intent to defraud, falsely notifies the issuer or any other person of a theft, loss,"

Page 11, delete lines 23 to 30

Page 11, delete lines 32 to 35 and insert:

"Subd. 3. [SENTENCE.] A person who commits financial transaction card fraud may be sentenced as follows:

(1) For a violation of clause (1), (2) or (5) of subdivision 2, in the manner provided in section 609.52, subdivision 3;

(2) For a violation of clause (3) or (4) of subdivision 2, to imprisonment for not more than 3 years or to payment of a fine of not more than \$5,000, or both; or

(3) For a violation of clause (6) or (7) of subdivision 2,

(a) If no property, other than a financial transaction card, has been obtained by the defendant by means of the false statement or false report, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(b) If property, other than a financial transaction card, is so obtained, in the manner provided in section 609.52, subdivision 3."

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. 1014: A bill for an act relating to crimes; providing that an individual asked to supply data relating to maltreatment of minors or vulnerable adults need not be given an informational warning; prohibiting diversion of corporate property; authorizing criminal trials with petit juries composed of six persons for gross misdemeanor prosecutions; changing the crimes of "intrafamilial sexual abuse" to the crimes of "criminal sexual abuse"; eliminating the requirement that a defendant receive a copy of a confession that is to be introduced into evidence; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 593.01, subdivision 2; 609.364; 609.3641, subdivision 1; 609.3642, subdivision 1; 609.3643, subdivision 1; 609.3644, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1984, section 611.033.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1984, section 169.92, subdivision 1, is amended to read:

Subdivision 1. Any person wilfully violating his written promise to appear in court, given as provided in sections 169.90 to 169.95, is guilty of a misdemeanor, ~~provided he is found guilty of the charge upon which he was originally arrested. This offense may be prosecuted by a jurisdiction in which any element of this offense was committed, or the jurisdiction where the offense as to which the person failed to appear was committed.~~ A written promise to appear in court may be complied with by an appearance by counsel."

Page 2, line 8, after "following" insert "with intent to defraud"

Page 2, line 12, delete "recorded and published certificate, where"

Page 2, delete line 13 and insert "articles of incorporation;"

Page 2, line 14, delete "when the profits are insufficient to"

Page 2, line 15, delete "pay them or"

Page 2, line 17, delete "intentionally"

Pages 2 to 6, delete sections 4 to 9 and insert:

"Sec. 4. [634.17] [ADMISSION INTO EVIDENCE FOR IMPEACHMENT PURPOSES CERTAIN CONVICTIONS OF PRIOR DRIVING OFFENSES.]

Notwithstanding section 169.94, subdivision 2, in any hearing or trial of a felony driving offense, the court may admit evidence of a person's previous conviction for a driving offense involving the use of alcohol or a controlled substance for the purpose of impeaching that person if the court finds that:

(1) the probative value of the conviction substantially outweighs its inflammatory or prejudicial effect;

(2) the use of alcohol or a controlled substance is an element of the charged offense or is relevant to a fact that is at issue in the case;

(3) the accused person has been served notice pursuant to Rule 7 or Rule 9 of the Rules of Criminal Procedure; and

(4) the previous conviction occurred within ten years of the charged offense."

Amend the title as follows:

Page 1, line 2, delete "providing that an individual asked"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "warning" and insert "clarifying the prosecution for failure to appear in court"

Page 1, delete lines 8 to 11 and insert "admitting into evidence for impeachment purposes certain convictions of prior driving offenses;"

Page 1, line 12, delete "13.04," and insert "169.92, subdivision 1; and"

Page 1, line 13, delete the first "subdivision 2;" and delete "609.364;"

Page 1, delete lines 14 and 15

Page 1, delete lines 17 and 18 and insert "chapters 302A and 634."

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. 857: A bill for an act relating to statutes; providing that selected statutes shall be subject to judicial modification as is common law; proposing coding for new law in Minnesota Statutes, chapter 3C.

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

Delete everything after the enacting clause and insert:

"Section 1. [645.175] [JUDICIAL MODIFICATION OF STATUTORY LAW.]

Subdivision 1. [JUDICIAL MODIFICATION AUTHORIZED.] Notwithstanding section 645.16, a court adjudicating a case and controversy may, in deciding that case and controversy and only to the extent necessary to serve justice, modify the effect of a statute as provided in this section.

Subd. 2. [APPLICABILITY.] Subdivision 1 applies to a statute or portion of a statute that: (1) imposes rules of private law, and (2) has been in effect for more than 20 years prior to the event or transaction that is the subject of the case and controversy.

Subd. 3. [PRIVATE LAW.] For the purpose of subdivision 2, private law means rules of law relating to the legal relations of private parties, including rules in the areas of: contracts; torts; probate; commercial transactions; marriage and dissolution; partnerships; associations; corporations; principal and agent; trusts; evidence; remedies; conflict of laws; unfair competition; unfair trade practices; creditors' and debtors' rights; environmental rights; and similar subject areas; and rules of civil procedure and administrative procedure. Private law does not include rules of law relating to: taxes; crimes; criminal procedure; elections; local government; government structure; programs of education, corrections, welfare, and transportation; regulation of financial institutions, insurance companies, and securities; and similar subject areas.

Subd. 4. [BEGINNING OF 20-YEAR PERIOD FOR AMENDATORY ACTS.] For the purposes of subdivision 2, an amendment to a statute does not start a new 20-year period as to the statute amended if the amendment does not substantively affect the aspect of the statute at issue in the case or controversy because, for example, the amendment is technical or stylistic, a recodification, or directed to portions of the statute not at issue.

Subd. 5. [EXCLUSIONS.] The following statutes and subject areas are excluded from the applicability of subdivision 1: (1) this section; (2) statutes relating to real property conveyancing, title, financing, foreclosure and cancellation of title; and (3) statutes of limitation.

Subd. 6. [CIRCUMSTANCES JUSTIFYING MODIFICATION.] Judicial modification of a statute under this section is justified only if all of the following conditions are present:

(1) the application of the statute in the case and controversy without modi-

fication would lead to an unjust result in light of accepted principles of public policy, constitutional and common law;

(2) the application of the statute in the case and controversy without modification would lead to an unjust result in light of more recently enacted statutes;

(3) the modification does not lead to a result in the case and controversy that could not be foreseen by the parties and that unduly prejudices any party; and

(4) the modification does not involve changing a number.

Subd. 7. [EFFECT OF MODIFICATION.] The modification of a statute under this section does not amend or repeal the statute. Modification means that in a subsequent case and controversy involving similar circumstances a court should adhere to the statute to the extent justice permits, but should take guidance from the modifying decision in the same manner as any other judicial precedent would be followed.

Subd. 8. [NOTICE PROCEDURE WHEN STATUTE IS MODIFIED.] When a statute is modified under this section, the court shall prepare a memorandum describing the reason the statute was modified. The memorandum shall be sent to the revisor of statutes, who shall maintain a file of these memoranda and periodically prepare a summary for the legislature."

Amend the title as follows:

Page 1, line 3, delete "as is common"

Page 1, line 4, delete "law" and insert "in limited circumstances"

Page 1, line 5, delete "3C" and insert "645"

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. 1033: A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding a subdivision; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

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 40.19, subdivision 1, is amended to read:

Subdivision 1. [SCOPE APPLICABILITY.] For the purposes of sections 40.20 to 40.28, the terms defined in this section have the meanings given them. The definitions in this section apply to sections 1 to 22 and sections 40.19 to 40.28.

Sec. 2. Minnesota Statutes 1984, section 40.19, subdivision 2, is amended to read:

Subd. 2. ~~7a.~~ [EXCESSIVE SOIL LOSS.] "Excessive soil loss" means soil loss ~~resulting from erosion that is more rapid than the gradual erosion of land used by man when all reasonable soil and water conservation practices have been applied that is greater than the soil loss limits.~~ "Excessive soil loss" may be evidenced by sedimentation on adjoining land or in ~~any a~~ body of water. Soil loss is excessive if it is ~~greater than the soil loss tolerance for each soil type described in the United States Soil Conservation Service Field Office technical guide.~~

Sec. 3. Minnesota Statutes 1984, section 40.19, is amended by adding a subdivision to read:

Subd. 2a. [CONSERVATION PLAN.] "*Conservation plan*" means a set of practices that will decrease soil erosion to the soil loss limits on a particular parcel of land.

Sec. 4. Minnesota Statutes 1984, section 40.19, subdivision 5, is amended to read:

Subd. 5. [CONSERVATION PRACTICES, STANDARDS AND SPECIFICATIONS.] "*Conservation practices, standards and specifications*" means *practices and standards* containing a definition, purpose, and conditions ~~under which~~ that the practice applies including design requirements, and specifications containing a statement of details required for installing a conservation practice, including kinds, quality, and quantity of work and materials needed to meet the standards. A conservation practice may be a permanent or temporary, vegetative or structural, measure that will aid the control of wind and water erosion. Permanent practices are those that have effective life greater than ten years and include grassed waterways, terraces, field windbreaks, water control structures, grade stabilization structures, sediment retention structures, strip-cropping, and other permanent practices approved by the state soil and water conservation board. Temporary practices include conservation tillage, contour farming, grasses and legumes in rotation, emergency tillage, and any other cultural practices approved by the state soil and water conservation board.

Sec. 5. Minnesota Statutes 1984, section 40.19, subdivision 6, is amended to read:

Subd. 6. [DEVELOPMENT ACTIVITY.] "*Development activity*" means ~~any a~~ physical disturbance by man of the land ~~associated with development activities which~~, that may result in sedimentation of adjacent lands or waters. ~~These, associated with activities that include, but are not limited to,~~ clearing, grading, excavating, transporting, and filling lands. Road construction by federal, state, county, and municipal ~~road construction~~ governments designed according to department of transportation standard specifications for construction are ~~exempt from this act~~ not development activities.

Sec. 6. Minnesota Statutes 1984, section 40.19, subdivision 7, is amended to read:

Subd. 7. [EROSION.] "*Erosion*" means ~~the any~~ process by which that removes soil away from the surface of the land ~~is worn away~~ by the action of water, wind, or gravity.

Sec. 7. Minnesota Statutes 1984, section 40.19, subdivision 8, is amended to read:

Subd. 8. ~~9a.~~ [GOVERNING BODY LOCAL GOVERNMENT.] ~~"Governing body"~~ "Local government" means the elected governing body of a county, home rule charter or statutory city, or town, or their designated officials or agents. Agents may include soil and water conservation districts, water management organizations, joint powers boards, watershed districts, ~~or~~ and other governmental entities responsible for resource management within the affected local government's jurisdiction.

Sec. 8. Minnesota Statutes 1984, section 40.19, subdivision 9, is amended to read:

Subd. 9. [LAND OCCUPIER.] "Land occupier" means a person, firm, corporation, municipality, or other legal entity ~~who~~ that holds title to, or is in possession of any lands, ~~whether~~ as owner, lessee, ~~renter,~~ tenant, or otherwise. The term "Land occupier" includes both the owner and the occupier of the land ~~when~~ if they are not the same.

Sec. 9. Minnesota Statutes 1984, section 40.19, subdivision 11, is amended to read:

Subd. 11. [SEDIMENT.] "Sediment" means solid *mineral or organic* material; ~~both mineral and organic~~; that is in suspension, is being transported, or has been moved from its ~~site of origin~~ original location by air, water, gravity, or ice, and has ~~come to rest on the earth's surface~~ been deposited at another location.

Sec. 10. Minnesota Statutes 1984, section 40.19, is amended by adding a subdivision to read:

Subd. 11a. [SOIL.] "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as natural medium for the growth of land plants.

Sec. 11. Minnesota Statutes 1984, section 40.19, subdivision 13, is amended to read:

Subd. 13. [SOIL LOSS LIMIT.] "Soil loss limit" means the maximum amount of soil loss from water or wind erosion, expressed in tons per acre per year, that ~~will be permitted~~ is allowed by local regulations on a ~~given~~ particular soil.

Sec. 12. Minnesota Statutes 1984, section 40.20, is amended to read:

40.20 [SOIL LOSS CONTROL ORDINANCES.]

Each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365 is encouraged to adopt a soil loss ordinance as provided in section 40.21. The soil loss ordinance must use the soil loss tolerance for each soil series described in the United States soil conservation service field office technical guide to determine the soil loss limits but the soil loss limits must be attainable by the best practicable soil conservation practice. A local government that adopts a soil loss ordinance may enter an agreement with its agent allowing the agent to administer the functions and perform the duties of the local government as provided by sections 12 to 22. Ordinances adopted by local ~~units~~ governments within the metropolitan area defined in section

473.121 must be consistent with local water management plans adopted under section 473.879.

Sec. 13. Minnesota Statutes 1984, section 40.21, is amended to read:

40.21 [PROMULGATION OF RULES BY THE COMMISSIONER OF AGRICULTURE; PERIODIC REVIEW, MODEL ORDINANCE, AND PERIODIC REVIEW.]

Subdivision 1. [RULES AND MODEL ORDINANCE AS GUIDE.] The commissioner of agriculture, in consultation with counties, soil and water conservation districts, and other appropriate agencies, shall ~~promulgate~~ *adopt a model ordinance and rules which shall that serve as a guide to enable* for local governments to carry out the provisions of ~~Laws 1984, chapter 569.~~ *The rules developed by the commissioner of agriculture shall include: sections 12 to 22 and sections 40.20 to 40.26, and provide administrative procedures for the state soil and water conservation board for sections 12 to 21 and sections 40.20 to 40.26.*

Subd. 2. [MODEL ORDINANCE.] (a) ~~The model ordinance which specifies must specify~~ the technical and administrative procedures required to ~~implement Laws 1984, chapter 569 control soil loss and erosion.~~ The model ordinance ~~shall be considered to be~~ is the minimum regulation to be adopted. *The model ordinance must use the soil loss tolerance for each soil series described in the United States soil conservation service field office technical guide to determine soil loss limits, but the soil loss limits must be attainable by the best practicable soil conservation practice.*

(b) ~~Administrative procedures required of the state soil and water conservation board for carrying out the provisions of Laws 1984, chapter 569.~~

Subd. 3. [PERIODIC REVIEW.] At least once every ~~two~~ five years the commissioner of agriculture shall review the rules ~~and model ordinance~~ in cooperation with counties, soil and water conservation districts, and appropriate agencies to ensure their continued applicability and relevance. ~~The rules may be revised if deemed necessary by the commissioner of agriculture.~~

Sec. 14. Minnesota Statutes 1984, section 40.22, subdivision 1, is amended to read:

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

Sec. 15. Minnesota Statutes 1984, section 40.22, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL LAND.] A land occupier of agricultural land is not violating subdivision 1 if ~~he the occupier is using~~ farming by methods ~~which do not create excessive soil loss that implement the best practicable conservation practices.~~

Sec. 16. Minnesota Statutes 1984, section 40.23, is amended to read:

Subdivision 1. [COMPLAINT.] A land occupier adversely affected by the effects of excessive soil loss, or an elected local government official, may submit a verbal or written complaint against a land occupier alleging that excessive soil loss has occurred or is occurring. The complaint must be made to

the governing body of the local government unit that has adopted an ordinance as provided in section 40-21. If the complaint is verbal, it must be followed by a written complaint within 72 hours. The complaint shall include the approximate dates and location of the alleged violation and describe the source, nature, and extent of the excessive soil loss alleged to have occurred or which is occurring. The complaint must be made to the governing body of the local government unit that has adopted a soil loss ordinance as provided in section 40-21. (a) An adversely affected landowner, an elected or appointed official of the local government, or a soil and water conservation district board member may submit a written complaint to the local government if conditions exist that indicate there is excessive soil loss from a tract of land that affects another tract of land or body of water. The written complaint must contain:

- (1) the name and address of the landowner;
- (2) the location of the tract of land with the excessive soil loss;
- (3) land or water that is affected by the excessive soil loss; and
- (4) a description of the nature of the excessive soil loss and resulting sedimentation.

(b) The local government shall submit the complaint to the soil and water conservation district for soil loss determination.

Subd. 2. [DISTRICT DETERMINATION OF SOIL LOSS.] (a) The soil and water conservation district shall determine the average soil loss in tons per acre per year of the tract of land cited in the complaint.

(b) The soil and water conservation district may enter public or private land to make an inspection for the determination of soil loss or to complete the report. The landowners must be notified of the time of the inspections and be given an opportunity to be present when the inspection is made.

(c) The soil and water conservation district shall submit a report to the local government that states the average soil loss in tons per acre per year for each tract of land and whether the soil loss is excessive under the applicable soil loss limits. If the soil loss is excessive the report must include identification of existing management practices and a conservation plan and time schedule that will prevent excessive soil loss or reduce the soil loss to the most practicable extent.

Subd. 3. [MEDIATION.] (a) If the soil and water conservation district report shows that soil loss from the tract of land is excessive and alternative practices are available to reduce the soil loss, the local government shall request the allegedly offending landowner to participate in mediation with the local government.

(b) The local government may appoint the planning and zoning director, a planning commissioner, or other county official to act as a mediator. The local government may also contract with a mediation center to provide mediation services.

(c) The landowner, and the local government or its agent must attempt to agree on conservation practices and times to implement the practice that will reduce soil loss to the local soil loss limits.

(d) A mediated settlement must be in writing, and filed with the local government.

(e) If the local government and the landowner do not agree to a mediated settlement, or if the landowner refuses to participate in mediation, the local government shall forward the complaint to the county attorney. The county attorney may dismiss the complaint or petition for a hearing under section 17.

Subd. 4. [APPLICATION FOR COST SHARING FUNDS.] The landowner has 90 days after a mediated settlement is filed to apply for state cost-sharing funds that will provide 75 percent of the cost of the permanent conservation practices. Only 50 percent cost share will be provided if the application is not made within 90 days after the settlement is filed. The landowner must apply for 50 percent cost share within 270 days after the mediated settlement is filed.

Subd. 5. [PENALTY.] A landowner that does not comply with the provisions of the mediated settlement is subject to a civil penalty up to \$500. Soil conservation practices that are made in good faith and substantial compliance are a complete defense.

Sec. 17. [40.242] [DISTRICT COURT HEARING.]

Subdivision 1. [DETERMINATION OF PROPER CONSERVATION PLAN.] If the landowner and the local government do not agree to a mediated settlement or if the landowner has refused mediation, the county attorney may petition the district court for a hearing. The landowner shall have the opportunity to present the landowner's conservation plan and time schedule as an alternative to the local government conservation plan and time schedule. The court shall order the landowner to implement the conservation plan and time schedule that is the least burdensome to the landowner and will reduce soil loss to at least the soil loss limit. The court may amend the local government's or landowner's conservation plan and time schedule, or develop a new conservation plan and time schedule. The court shall set times to implement, make satisfactory progress, and complete the conservation plan.

Subd. 2. [COST-SHARING FUNDS.] (a) If the court orders implementation of the landowner's conservation plan and time schedule, or amends the conservation plan and time schedule, or if the court develops a new conservation plan and time schedule, the landowner is eligible to apply for 75 percent cost-share funds for permanent conservation practices. The landowner must apply for the cost share within 90 days after the court order. If the landowner does not apply within 90 days for the cost-sharing funds the cost share is reduced to 50 percent. The court shall establish a time when the landowner is not eligible for cost-sharing funds if an application is not made.

(b) If the court orders a plan and time schedule developed by the district in its report, the landowner is eligible for 50 percent cost share if the landowner applies within 90 days after the court order.

Sec. 18. [40.244] [SOIL AND WATER CONSERVATION ASSISTANCE.]

A landowner who has filed a mediated settlement under section 16 or who has received a court order under section 17 may request the soil and water conservation district to assist in the planning, design, and application of

practices necessary to reduce soil loss to the applicable soil loss limit amounts or to the greatest practical extent. The soil and water conservation district must give the landowner a high priority for technical and cost-sharing assistance.

Sec. 19. [40.246] [ATTORNEY AND LOCAL GOVERNMENT MAY PERFORM DUTY OF COUNTY.]

The city attorney or town attorney may perform the duties of a county attorney. A city or town may perform the duties of a local government only if the city or town adopts a soil loss ordinance and the land in the complaint is located within the city or town.

Sec. 20. Minnesota Statutes 1984, section 40.25, is amended to read:

40.25 [EROSION CONTROL PLAN FOR DEVELOPMENT ACTIVITIES.]

Subdivision 1. [SEDIMENTATION CONTROL PLAN.] (a) A person engaged in a development activity that will disturb over one acre of land must submit to the governing body a sedimentation control plan and time schedule that will prevent excessive soil loss to the local government having jurisdiction over the land before the development activity is to begin.

(b) A sedimentation control plan and time schedule must specify how the movement of soil and damage to other property during the construction will be minimized, including the use of temporary seeding, fiber mats, plastic, straw, mulch, sediment control basins, and other measures to prevent erosion and sediment damage. The time schedule must establish deadlines for the implementation and completion of each phase or element of the sedimentation control plan.

Subd. 2. [PERMIT REQUIRED.] The local government may appoint the zoning and planning director, building inspector, county engineer, or the soil and water conservation district to review the plan and time schedule. If the sedimentation control plan and time schedule will prevent excessive soil loss to the most practicable extent, the local government must issue a permit that authorizes the development activity contingent upon the implementation and completion of the sedimentation control plan.

Subd. 3. [PENALTY.] A person engaged in a development activity who does not obtain a sedimentation control plan permit or does not commence or complete the plan or make satisfactory progress to complete the plan is subject to a civil penalty up to \$500. Soil conservation practices made in good faith and substantial compliance are a defense.

Subd. 4. [APPLICATION.] For counties, the provisions of this section apply only to county jurisdiction over unincorporated areas.

Sec. 21. Minnesota Statutes 1984, section 40.26, is amended to read:

40.26 [APPLICATION FOR COST-SHARING FUNDS.]

(a) Except in the case of for a development activity, a land occupier may not be required to establish soil conservation practices unless state cost-sharing funds have been specifically approved for that land and have been made available to the land occupier in an amount under sections 16 and 17, equal to at least 75 percent of the cost of the permanent conservation practices on a

voluntary basis, and or a 50 percent cost share if implementation is not commenced following the issuance of an administrative order as provided in this section. The state soil and water conservation board shall review these requirements at least once each year, and may authorize districts in any particular case to provide a higher percentage of public cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation to the priority areas as established in the district annual and long-range plans. Evidence that an application for state cost-sharing funds has been submitted to the soil and water conservation district shall constitute commencement of the work within the meaning of section 40.24. When notified of the approval of the application, the local unit shall issue to the same parties who received the original administrative order, or their successors in interest, a supplemental order, to be delivered in the same manner as provided by section 40.24. The supplemental order shall state a time, not more than 90 days after approval of the application for state cost-sharing funds, by which the work needed to comply with the original administrative order shall actually be commenced, and a time not more than one year thereafter when the work is to be satisfactorily completed. ~~An application for cost share is not made within 90 days after the board approves a mediated written agreement or within 90 days after the court orders implementation of a plan and time schedule prepared by the landowner or the court. For mediated settlements, a court order that implements the landowner's alternatives or the court's alternatives must state the time schedule for application for 50 percent cost share. If the court orders implementation of the district's plan and time schedule, a landowner is only eligible for 50 percent cost share.~~

(b) The state soil and water conservation board shall review these requirements at least once each year, and may authorize a district to provide a higher percentage of cost sharing than is required by this section. To aid in this determination, the state board may consider the location of the affected area in relation to the priority areas as established in the soil and water conservation district annual and long-range plans.

Sec. 22. Minnesota Statutes 1984, section 40.28, is amended to read:

40.28 [PENALTY.]

A violation of an administrative order issued under section 40.24 or a supplemental order issued under section 40.26 is a misdemeanor. A person who violates section 14 is subject to a civil penalty up to \$500.

Sec. 23. [REPEALER.]

Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15, are repealed.

Sec. 24. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Amend the title as follows:

Page 1, line 6, delete "a subdivision" and insert "subdivisions"

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. 873: A bill for an act relating to natural resources; providing for exemption of certain peat harvesting operations from the requirement for mining permits; amending Minnesota Statutes 1984, section 93.461.

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

Page 1, lines 15, 17, 21, 23, and 25, delete the new language and reinstate the stricken language

Page 2, line 5, delete "*harvesting*" and reinstate "*mining*"

Page 2, lines 8 to 10, delete the new language and reinstate the stricken language

Page 2, delete line 11

Page 2, line 12, delete "*worksheet*," and insert "*If*"

Page 2, line 13, delete "*request*" and insert "*require*"

Page 2, line 14, delete "*harvester apply for*" and insert "*miner have*" and after "*permit*" insert "*to operate*"

Page 2, line 15, delete the new language and reinstate the stricken language

Page 2, delete lines 19 to 22

Amend the title as follows:

Page 1, line 3, delete "*harvesting*" and insert "*mining*"

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. 1277: A bill for an act relating to summary execution of judgment debts; requiring financial institutions to notify the sheriff when an exemption is claimed under certain circumstances; amending Minnesota Statutes 1984, section 550.041, subdivision 3.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1984, section 549.09, subdivision 1, is amended to read:

Subdivision 1. [WHEN OWED; RATE.] (a) When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk as provided in clause (c) and added to the judgment. (b) Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest on pecuniary damages shall be computed as provided in clause (c) from the time of the commencement of the action, except as provided herein. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counter-offer within 60

days. After that time interest on the judgment shall be calculated by the judge in the following manner. The prevailing party shall receive interest on any judgment from the time the action was commenced or as to special damages from the time when special damages were incurred, if later than commencement of the action, until the time of verdict or report only if the amount of its offer is closer to the judgment than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment, whichever is less, and only from the time the action was commenced or as to special damages from when the special damages were incurred if later than commencement of the action until the time the settlement offer was made. Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest shall not be awarded on the following:

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;

(2) judgments, decrees, or orders in dissolution, annulment, or legal separation actions;

(3) punitive damages, fines, or other damages that are noncompensatory in nature;

(4) judgments not in excess of the amount specified in section 487.30; and

(5) that portion of any verdict or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court. (c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year; provided, however, that in no event shall the rate of interest be less than eight percent per annum. The state court administrator shall communicate the interest rate to the clerks of court for their use in computing the interest on verdicts and judgments."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "to" insert "courts;" and after "debts;" insert "providing for computation of interest on judgments;"

Page 1, line 6, delete "section" and insert "sections 549.09, subdivision 1; and"

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. 274: A bill for an act relating to civil commitment; requiring

continued commitment of mentally retarded persons to be for a determinate period of time; conforming provisions relating to mentally ill and mentally retarded persons; correcting a cross-reference; amending Minnesota Statutes 1984, sections 253B.12, subdivision 4; and 253B.13, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1984, section 253B.13, subdivision 2.

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 253B.13, subdivision 2, is amended to read:

Subd. 2. [MENTALLY RETARDED PERSONS.] ~~If the court finds upon review of the treatment report, at the conclusion of a hearing held pursuant to section 253B.12, it is found that the person continues to be mentally retarded,~~ *the court shall order commitment of the person for an indeterminate period of time, subject to the reviews required by section 253B.03, subdivisions 5 and 7, and subject to the right of the patient to seek judicial review of continued commitment."*

Delete the title and insert:

"A bill for an act relating to civil commitment; requiring a hearing for the continued commitment of mentally retarded persons; amending Minnesota Statutes 1984, section 253B.13, subdivision 2."

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. 361: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to lease peat lands for wild rice farming; providing for appraisal and administration of leases; proposing coding for new law in Minnesota Statutes, chapter 92.

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

Page 1, line 12, after "private" insert "lease"

Page 1, line 13, delete "he or she" and insert "the commissioner"

Page 1, line 14, delete "his or her" and insert "the commissioner's"

Page 1, line 15, delete "containing deposits of peat"

Page 1, line 17, after "be" insert "offered" and delete "ten" and insert "20" and after "years" insert "but may be for a shorter period at the option of the lessee. The lease rate shall be adjusted every five years to reflect market values"

Page 1, line 17, delete "All" and insert "The"

Page 1, line 18, after "from" insert "the" and delete "fund to"

Page 1, line 19, delete "*which the land belongs*" and insert "*account that receives the proceeds of a sale of the land*"

Pages 1 and 2, delete subdivisions 2 and 3 and insert:

"*Subd. 2. [WILD RICE LAND DESIGNATION AND DEVELOPMENT.] The commissioner of natural resources shall prepare a plan including an inventory of the number of acres of land appropriate and suitable for wild rice development and leasing in each county.*"

Page 2, line 33, delete "*under the administrative procedure act*"

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "administration of leases;"

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. 1173: A bill for an act relating to outdoor recreation; renaming a state trail; amending Minnesota Statutes 1984, section 85.015, subdivision 10.

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

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

S.F. No. 236: A bill for an act relating to agriculture; finding conditions exist that have caused a loss of agricultural credit; declaring an agricultural economic emergency exists; providing seed, fertilizer, herbicides, and fuel loans; making emergency loans to counties; guaranteeing loans; appropriating money; amending Minnesota Statutes 1984, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

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

Page 1, line 13, delete "18" and insert "15"

Page 2, line 8, delete "EMERGENCY" and strike "SEED" and delete "FERTILIZER, HERBICIDES,"

Page 2, line 9, delete "AND FUEL" and insert "EMERGENCY CROP INPUT"

Page 2, line 15, delete "seed," and insert "to"

Page 2, line 32, after "emergency" insert a comma

Pages 2 and 3, delete subdivision 3 and insert:

"Subd. 3. [COUNTY LOAN PROGRAM; PETITION; ORDER.] If ~~not less than~~ (a) ~~If at least 25 resident freeholders of the county, before March first next following the crop failure,~~ present a signed petition to the auditor of the county a petition signed by them, asking that the county ~~lend money~~ provide warrants for seed, fertilizer, herbicides, and fuel to residents suffering by reason of the crop failure, ~~for the purpose of purchasing seed and feed, or that are unable to procure financing to plant, cultivate, and harvest crops,~~ the auditor ~~shall receive and must file~~ the petition and ~~at once~~ call a meeting of the county board as soon as possible to consider the petition.

(b) *If the legislature declares an agricultural economic emergency, the auditor must call a meeting of the county board to consider the declaration of the agricultural economic emergency in the same manner as a petition under paragraph (a).*

(c) The county board shall, ~~on or before the second Monday in March, next following,~~ meet and consider the petition, *or a legislative declaration of economic emergency* and may enter an order that the county ~~lend, from its general fund, sums as it deems necessary for the purpose; however, provide warrants to pay for seed, fertilizer, herbicides, and fuel.~~ The amount ~~shall not, with the existing indebtedness of the county, exceed of the warrants is not included in the amount of indebtedness that a county must incur as fixed by the laws of this state."~~

Page 3, line 24, delete "lending" and insert "crop input loan"

Page 3, line 25, delete "a loan from the county loan program" and insert "warrants to pay for seed, fertilizer, herbicides, and fuel"

Page 3, line 26, delete "applicant" and insert "resident" and after "file" insert "an application" and strike ", on or before"

Page 3, line 27, strike the old language and delete the new language

Page 3, line 28, delete "order," and insert "by the date prescribed in the order of the county board." and before "verified" insert a comma and delete "the"

Page 3, line 29, delete "applicant" and strike "showing" and insert "the applicant, must show" and strike "facts"

Page 3, line 35, after "applicant" insert "in general terms"

Page 4, line 4, before "the" insert "where"

Page 4, line 5, delete "on"

Page 4, line 13, reinstate the stricken "and"

Page 4, delete lines 14 to 16

Page 4, line 17, reinstate the stricken "(8)" and delete "(9)"

Page 4, line 29, strike the old language and delete the new language

Page 4, delete line 30

Page 4, line 31, strike the first "and" and insert "next possible meeting time."

Page 5, lines 2 and 3, delete "BEFORE MARCH 1"

Page 5, line 6, delete "loans" and insert "warrants"

Page 5, line 13, delete "loan" and after "amounts" insert "for crop inputs"

Page 5, line 16, delete "loan" and delete "as" and insert a period

Page 5, delete line 17

Page 5, line 18, delete "county board."

Page 5, line 20, after "crops" insert ", including interest on the purchase price,"

Page 5, line 21, after "paid" insert "on or after December 30"

Page 6, line 8, before "seed" insert "warrants for the"

Page 6, line 11, strike "the first day of" and delete "the following" and strike "October"

Page 6, line 12, strike the old language and delete the new language

Page 6, line 13, strike "annum" and insert "December 15"

Page 7, line 7, strike "OCTOBER 1, RATE OF INTEREST" and insert "DECEMBER 15"

Page 7, line 9, strike "on the first day of"

Page 7, line 10, strike "October" and insert "or before December 15" and after "when" insert "warrants for"

Page 7, line 11, strike the fourth comma and strike "with"

Page 7, lines 12 and 13, strike the old language and delete the new language

Page 7, line 14, strike "at the rate of" and delete "ten" and strike "percent per annum"

Page 7, line 15, strike "the first day of"

Page 7, line 16, strike "November" and insert "December 30"

Page 7, line 25, after "received" insert "warrants for"

Page 8, line 12, strike "\$50" and insert "\$100" and strike "\$100" and insert "\$700"

Page 9, line 12, after "more" insert "money for" and delete "are" and insert "is"

Page 9, delete section 15

Page 9, line 32, after "16." insert "[395.25]"

Page 10, line 1, after the period, insert "Application for the reimbursement of a default contract must be made by June 1 of the year following the default after all reasonable efforts have been made to collect the contract debt. The state shall succeed to any interest of the county in the contract and its remedies."

Page 10, delete sections 17 and 18 and insert:

“Sec. 16. [EFFECTIVE DATE.]

This act is effective the day after final enactment.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “providing” insert “warrants for”

Page 1, line 5, delete “loans” and delete “making”

Page 1, line 6, delete “emergency loans to counties;” and delete the second “loans” and insert “warrants”

Page 1, line 7, delete “appropriating money;”

Page 1, line 9, before the period, insert “; proposing coding for new law in Minnesota Statutes, chapter 395”

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. 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.

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

Page 1, line 13, delete “*abrupt*” and insert “*permanent*”

Page 1, line 25, delete “*significant amounts of*”

Page 2, line 1, delete “*significant amounts of*”

Page 2, line 4, delete “*abrupt*” and insert “*permanent*”

Page 2, line 18, delete “*abruptly*” and insert “*permanently*”

Page 3, delete section 2

Amend the title as follows:

Page 1, line 4, delete “*abrupt*” and insert “*permanent*”

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

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

S.F. No. 1205: A bill for an act relating to natural resources; allowing compensation for damage of crops by elk; amending Minnesota Statutes 1984, section 3.737.

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

Page 2, line 4, delete "the" and insert "a"

Page 2, line 5, delete "for the owner's county and" and insert "or"

Page 2, line 6, delete the second "the" and insert "a"

Page 2, line 7, delete the first "the" and insert "a"

Page 3, after line 15, insert:

"Sec. 2. [APPROPRIATION.]

The amount paid for elk depredation under section 1 occurring before July 1, 1985, shall be paid from the department of natural resources budget for the year ending June 30, 1985.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment but applies retroactively to claims for damage by elk in the calendar year 1983 and afterwards."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1392: A bill for an act relating to economic development; creating a state grant program for area labor-management committees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. [179.80] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. [AREA LABOR-MANAGEMENT COMMITTEE.] "Area labor-management committee" means a committee formed by and composed of multiple employers and multiple labor organizations, for the purpose of improving labor-management relations and enhancing economic development within the jurisdiction through labor-management cooperation.

Subd. 3. [DIRECTOR.] "Director" means the director of the bureau of mediation services.

Subd. 4. [BUREAU.] "Bureau" means the bureau of mediation services.

Sec. 2. [179.81] [AREA LABOR-MANAGEMENT GRANT PROGRAM; PURPOSES.]

The area labor-management grant program is created in order to improve communications and working relationships between labor and management, and to provide labor and management with opportunities to explore joint

approaches for solving problems of mutual concern.

Sec. 3. [179.82] [GRANT PROGRAM CREATED; APPLICATIONS.]

Subdivision 1. [CREATION.] An area labor-management committee grant program is created within the bureau to be administered by the director.

Subd. 2. [APPLICATIONS.] Applications for area labor-management committee grants must be submitted to the bureau by October 15 of each year on a form developed by the director and shall provide information, including but not limited to:

(1) A description of the area labor-management committee formed or to be formed consistent with the purposes of the area labor-management grant program, including an identification of the committee members and a brief description of the committee's existing or proposed operating procedures. A copy of the committee bylaws or other written operating procedures shall be submitted.

(2) A statement of the labor-management problem or issue existing in the committee's area of jurisdiction. Grant applicants must document the problem using as much relevant data as is reasonably available, and must discuss the full range of impacts that the problem or issue is having upon the area or upon industry within the area.

(3) A statement of the approach to be used by the committee in solving the problem or dealing with the issue identified in clause (2) and an implementation plan setting forth the major steps to be taken and objectives sought in dealing with the problem or issue identified in clause (2), as well as a time table indicating when those steps will be taken and those objectives reached.

(4) A four-year financial plan detailing the amount of both state grant funds and local, federal, and private sector funds necessary for the applicant's program. The plan must show the total amount of state funding necessary to carry out the committee's goals and objectives, and the total funds from other sources expected to be raised each year. The plan must be accompanied by a proposed committee budget, covering the life of the plan, detailing how all funds, including state grant funds, are to be expended.

Sec. 4. [179.83] [ACTION ON APPLICATION.]

Subdivision 1. [STANDARD FOR APPROVAL.] After October 15 of each year, the director shall review the applications. Grants shall be awarded on a competitive basis based on the appropriateness of the proposal, the attainability of the goals, the evidence of interest in the proposal among representatives of labor and management in the area within the committee's jurisdiction, and the thoroughness of the financial plan presented. Successful applicants shall be notified of the award no later than December 1 of each year.

Subd. 2. [NUMBER OF GRANTS AWARDED.] On the basis of the review conducted under subdivision 1, the director may award no more than three grants in each of the two years following the effective date of sections 1 to 6, provided that not more than five grants are awarded in the biennium following the effective date of those sections.

Sec. 5. [179.84] [GENERAL CONDITIONS AND TERMS OF

GRANTS.]

For each grant awarded the director shall:

(a) Establish a work plan that includes measurable goals and objectives for the committee and that requires that the committee shall not become involved in contract disputes, labor negotiations, or grievance procedures.

(b) Establish a technical assistance delivery area that specifies the geographic region for which the area labor-management committee is responsible for providing technical assistance and administrative services to new and developing area labor-management committees.

(c) Establish a technical assistance work plan that specifies the responsibilities of the area labor-management committee within its technical assistance delivery area. The work plan shall include, but is not limited to, requirements that the area labor-management committee provide the following services:

(1) information, resources, and materials on ways in which management and labor can work cooperatively to improve productivity and the quality of working life;

(2) educational and training programs such as seminars, workshops, conferences, and other activities on ways in which management and labor can work cooperatively to improve productivity and quality of working life;

(3) technical assistance to firms, unions, and governmental units that are interested in developing area labor management committees; and

(4) promote, support, and assist the organization, establishment, and operation of local and regional area labor management committees.

(d) Annually review the operating performance of each area labor-management committee receiving state grant funds under sections 1 to 6.

Sec. 6. [179.85] [FUNDING LIMITATIONS.]

(1) A new or existing area labor-management committee may apply for a maximum grant of \$100,000 per year.

(2) A new and existing area labor-management committee may be awarded state grant money, and must provide funds from other nonstate sources, in each of the four years covered by the financial plan in the following ratio of state and nonstate funds: (i) in the first year, 90 percent state and 10 percent nonstate; (ii) in the second year, 80 percent state and 20 percent nonstate; (iii) in the third year, 50 percent state and 50 percent nonstate; and (iv) in the fourth year, 30 percent state and 70 percent nonstate.

(3) In every grant to an existing or proposed area labor-management committee, \$10,000 of the grant funds is designated and may only be used for technical assistance services within the technical assistance delivery area, both as specified by the director pursuant to section 5.

Sec. 7. [APPROPRIATION.]

\$500,000 is appropriated from the general fund to the director of the bureau of mediation services for the purposes of area labor-management committee grants in accordance with sections 1 to 6. One-half of the amount appro-

priated is available in the fiscal year ending June 30, 1986, and one-half in the fiscal year ending June 30, 1987. Funds not expended in the fiscal year ending June 30, 1986, may be expended in the following fiscal year."

Amend the title as follows:

Page 1, line 5, delete "116J" and insert "179"

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. 567: A bill for an act relating to real property; clarifying notice period required for cancellation of contract for deed; amending Minnesota Statutes 1984, section 559.21, subdivisions 1 and 2, and by adding a subdivision.

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 559.21, is amended by adding a subdivision to read:

Subd. 2a. [DEFAULT; TERMINATION.] When default is made in the conditions of any contract for the conveyance of real estate or any interest therein whereby the vendor has a right to terminate it, the vendor may do so by serving upon the purchaser, the purchaser's personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate 60 days after the service of the notice unless prior thereto the purchaser complies with the conditions and makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, together with two percent of any amount in default other than balloon payment, not including any taxes, assessments, mortgages or prior contracts for deed that are assumed by the purchaser, and an amount to apply on attorney's fees actually expended or incurred, of \$150 when the amount in default is less than \$1,000, and of \$250 when the amount in default is \$1,000 or more; provided, however, that no amount is required to be paid for attorney's fees as provided hereunder, unless some part of the conditions of default has existed at least 30 days prior to the date of service of the notice; and further provided that no costs of service are due unless the vendor notifies the purchaser of actual costs of service by certified mail to the purchaser's last known address at least 10 days prior to the date of termination.

Sec. 2. Minnesota Statutes 1984, section 559.21, subdivision 3, is amended to read:

Subd. 3. For purposes of this section, the term "notice" means a writing stating the information required in this section, stating the name, address and telephone number of the vendor or of an attorney authorized by the vendor to accept payments pursuant to the notice and the fact that the person named is authorized to receive the payments, and including the following information in 12 point or larger bold type or in large legible handwritten letters:

(a) For contracts executed prior to May 1, 1980:

THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE YOUR CONTRACT FOR DEED FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) UNLESS BEFORE THEN THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU THE AMOUNT THIS NOTICE SAYS YOU OWE PLUS THE COSTS OF SERVICE OF THIS NOTICE TOGETHER WITH THE MORTGAGE REGISTRATION TAX OF \$. AND \$. TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED; OR UNLESS BEFORE THEN YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES. IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.

(b) For contracts executed on or after May 1, 1980:

THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE YOUR CONTRACT FOR DEED FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE IIIIIIIII DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) UNLESS BEFORE THEN THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU THE AMOUNT THIS NOTICE SAYS YOU OWE PLUS ANY ADDITIONAL PAYMENTS DUE UNDER THE CONTRACT TO THE SELLER SINCE THE NOTICE WAS SERVED PLUS THE COSTS OF SERVICE OF THIS NOTICE TOGETHER WITH THE MORTGAGE REGISTRATION TAX OF \$. (TWO PERCENT OF THE AMOUNT IN DEFAULT) AND \$. TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED; OR UNLESS BEFORE THEN YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES. IF YOU DO NOT DO ONE OR THE OTHER

OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.

Sec. 3. Minnesota Statutes 1984, section 559.21, subdivision 4, is amended to read:

Subd. 4. The notice required by this section must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of the notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person making the same, made before an authorized officer having a seal, and within the state by such an affidavit or by the return of the sheriff of any county therein.

Three weeks published notice, and if the premises described in the contract are actually occupied, then in addition thereto, the personal service of a copy of the notice within ten days after the first date of publication of the notice, and in like manner as the service of a summons in a civil action in the district court upon the person in possession of the premises, has the same effect as the personal service of the notice upon the purchaser, his personal representatives or assigns, either within or without the state as herein provided for. In case of service by publication, as herein provided, the notice shall specify the conditions in which default has been made and state that the contract will terminate ~~90~~ 60 days after the first date of publication of the notice, unless prior thereto the purchaser complies with the conditions and; if required pursuant to subdivision 2, makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, ~~the mortgage registration tax, if actually paid by the vendor two percent of the amount in default other than balloon payment,~~ and attorneys' fees as provided herein, and the purchaser, his personal representatives or assigns, shall be allowed ~~90~~ 60 days from and after the first date of publication of the notice to comply with the conditions of the contract.

If, within the time mentioned, the person served complies with the conditions and; if required pursuant to subdivision 2, makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, ~~the mortgage registration tax, if actually paid by the vendor two percent of the amount in default other than balloon payment,~~ and attorneys' fees as provided herein, the contract shall be thereby reinstated; but otherwise shall terminate. In the event that the notice was not signed by an attorney for the vendor and the vendor is not present in the state, or cannot be found therein, then compliance with the conditions specified in the notice may be made by paying to the clerk of the district court in the county wherein the real estate or any part thereof is situated any money due and filing proof of compliance with other defaults specified, and the clerk of the district court shall be deemed the agent of the vendor for such purposes. A copy of the

notice with proof of service thereof, and the affidavit of the vendor, his agent or attorney, showing that the purchaser has not complied with the terms of the notice, may be recorded with the county recorder, and is prima facie evidence of the facts therein stated; but this section in no case applies to contracts for the sale or conveyance of lands situated in another state or in a foreign country.

Sec. 4. Minnesota Statutes 1984, section 559.21, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY MINIMUM ADDITIONAL NOTICE.] Notwithstanding the provisions of any other law to the contrary, ~~no contract for conveyance of homestead property, as defined in section 583.02, shall terminate until 60 days after service of notice if the notice is served after May 24, 1983, and prior to May 1, 1985, or 90 days after service of notice if the contract was entered into after May 1, 1980 and the contract vendee has paid 25 percent or more of the purchase price. The notice shall specify this 60- or 90-day period. The a notice for a contract for conveyance of homestead property, as defined in section 583.02, shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale termination under sections 583.01 to 583.12. This section does not apply to earnest money contracts, purchase agreements or exercised options.~~

Sec. 5. Minnesota Statutes 1984, section 559.21, is amended by adding a subdivision to read:

Subd. 8. [ATTORNEY AS AGENT.] Any attorney expressly authorized by the vendor to receive payments in the notice of cancellation under this section is designated as the attorney who may receive service as agent for the vendor of all summons, complaints, orders, and motions made in conjunction with an action by the vendee to restrain the cancellation.

Sec. 6. [REPEALER.]

Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2 are repealed.

Sec. 7. [EFFECTIVE DATE.]

This act is effective August 1, 1985, and applies to contracts for the conveyance of real estate or any interest therein executed before, on, or after that date.

Amend the title as follows:

Page 1, line 2, delete "clarifying" and insert "changing"

Page 1, line 3, after the semicolon, insert "designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed;"

Page 1, line 5, delete "1 and 2" and insert "3, 4, and 6"

Page 1, line 5, delete "a subdivision" and insert "subdivisions" and before the period, insert "; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2"

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

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

H.F. No. 85: A bill for an act relating to the town of Santiago; authorizing the establishment of a detached banking facility.

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

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

H.F. No. 242: A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

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

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

S.F. No. 391: A bill for an act relating to causes of action; allowing an award of damages for mental anguish in actions for death by wrongful act; amending Minnesota Statutes 1984, section 573.02, subdivisions 1 and 4.

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

Page 2, line 5, after the period, insert "*The surviving spouse and next of kin are entitled to damages for mental anguish only to the extent that those damages are not recoverable under another cause of action.*"

Page 2, line 32, delete "*the effective date of this act*" and insert "*August 1, 1985,*"

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

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

H.F. No. 362: A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, as amended.

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

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

H.F. No. 825: A bill for an act relating to occupations and professions; regulating electricians; amending Minnesota Statutes 1984, sections 326.01, subdivisions 2, 5, 6b, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 6, and 9; 326.243; 326.244, subdivisions 1, 2, and 5; and 326.246.

Reports the same back with the recommendation that the bill do pass. Re-

port adopted.

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

S.F. No. 1169: A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; limiting the use of transit assistance funds; extending unclassified coverage to certain employees; giving the transit board condemnation authority; creating the metropolitan taxicab commission; providing per diem compensation for the chair of the commission; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; regulating management contracts; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1, 2, and 3; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivision 7; 473.405, subdivision 12; and 473.408, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 2, after line 30, insert:

"Sec. 2. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.]

Subdivision 1. The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

	Salary Range Effective July 1, 1983
Commissioner of education;	\$57,500-\$70,000
Commissioner of finance;	
Commissioner of transportation;	
Commissioner of human services;	
Chancellor, community college system;	
Chancellor, state university system;	
Director, vocational technical education	
Executive director, state board of investment;	
Commissioner of administration;	\$50,000-\$60,000
Commissioner of agriculture;	
Commissioner of commerce;	
Commissioner of corrections;	

Commissioner of economic security;
 Commissioner of employee relations;
 Commissioner of energy and economic development;
 Commissioner of health;
 Commissioner of labor and industry;
 Commissioner of natural resources;
 Commissioner of revenue;
 Commissioner of public safety;
 Chairperson, waste management board
 Chief administrative law judge; office of administrative hearings;
 Director, pollution control agency;
 Director, state planning agency;
 Executive director, higher education coordinating board;
 Executive director, housing finance agency;
 Executive director, teacher's retirement association;
 Executive director, state retirement system;
Chairman, metropolitan council
Chairman, regional transit board
 Commissioner of human rights; \$40,000-\$52,500
 Director, department of public service;
 Commissioner of veterans' affairs;
 Director, bureau of mediation services;
 Commissioner, public utilities commission;
 Member, transportation regulation board;
 Director, zoological gardens.

Sec. 3. Minnesota Statutes 1984, section 15A.081, is amended by adding a subdivision to read:

Subd. 7a. The governor shall set the salary rate within the range listed below for the part-time positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range
Effective
July 1, 1983

Chairman, metropolitan airports commission \$15,000-\$25,000
Chairman, metropolitan waste control commission"

Pages 3 to 5, delete section 5 and insert:

"Sec. 7. Minnesota Statutes 1984, section 473.129, is amended by adding a subdivision to read:

Subd. 7. [PROCEDURES; ETHICS; ADMINISTRATION.] The council shall adopt uniform standards and procedures for codes of ethics and for other administrative functions of the metropolitan commissions as it finds appropriate.

Sec. 8. Minnesota Statutes 1984, section 473.141, subdivision 9, is amended to read:

Subd. 9. [PERSONNEL CODE; MERIT SYSTEM.] (a) The council shall by resolution adopt guidelines for a personnel code relating to the employees

of the commissions, except that nothing in Laws 1974, Chapter 422 shall impair the rights of any commission or employee under sections 473.405 and 473.415. After adoption of the guidelines, each commission shall by resolution adopt a personnel code in general conformance therewith. The code shall include a job classification plan, procedures for employment and promotion of personnel based on merit, procedures for the demotion, suspension or discharge of employees, procedures for hearing grievances, procedures for salary administration, and such other provisions as the council deems appropriate. In addition, the code shall provide for the development by each commission of affirmative action plans, which shall be submitted for approval to the appropriate agency or office of the state. The plans shall include a yearly progress report to the agency or office. The chief administrator of each commission shall administer the code, and no commission shall take any action inconsistent with the personnel code.

(b) All employees of the commission except those expressly designated for the unclassified service, shall serve in the classified service. The unclassified service shall include: members of the commission, the chief administrator of the commission, all officers of the commission, any employee of the commission who is determined by the commission to have a confidential relationship to the commission or the council; and any employee of the commission expressly exempted from the classified service by law. Each code shall also include procedures for open competitive examinations to test the relative skill or ability of all applicants for positions in the classified service. Such examinations may consist of written or oral tests of the subjective or objective type, physical tests, and practical or demonstration tests for the evaluation of past training and experience. Oral tests may be used to test the applicant's knowledge of the position applied for or his personal fitness for the position. Where there is more than one applicant for a position, each code shall provide for the employment of one of the three applicants best qualified for it.

(c) When a commission employee has been demoted, suspended or dismissed by the chief administrator, he may, within 30 days after such action becomes effective, file with the commission a written request for a hearing showing the position from which he was dismissed, the date of dismissal, and the reason for requesting the hearing, his full name and his present mailing address. Upon receipt of a request for a hearing the commission shall appoint three of its members to act as an appeal committee and preside at a hearing on the action of the administrator. The hearing shall be held within 30 days after the request is received by the commission, upon written notice mailed or delivered to the employee at his present mailing address, not less than seven days before the hearing. The appeal committee shall approve or disapprove the action of the administrator, and in the case of approval the action of the administrator shall be final. In the case of disapproval the appeal committee may reinstate the employee under such conditions as it deems proper, and may order the payment to the employee of compensation lost as a result of the demotion, suspension or dismissal.

(d) A person who is a member, officer, or employee of the council; the regional transit board; or the metropolitan agencies defined in section 473.121, subdivisions 7, 12, 15, 21, and 32, may not be paid for goods or services that he or she provides as an individual or through a business entity

to another individual or business entity that sells or rents goods or services to or buys or leases them from the person's council, commission, or board.

Sec. 9. Minnesota Statutes 1984, section 473.141, subdivision 13, is amended to read:

Subd. 13. [COMMISSION OPERATING PROCEDURES.] (a) ~~The~~ Each commission shall adopt resolutions and bylaws, an administrative code establishing procedures for commission action, keeping records, approving claims, authorizing and making disbursements, authorizing contracts, safe-keeping funds and audit of all financial operations of the commission. *The code shall address matters for which the council has adopted uniform standards and procedures and be in general conformance with the uniform standards and procedures adopted by the council.*

(b) ~~The~~ Each commission and the council may enter into contracts with each other and with other commissions and governmental units for the joint exercise of powers in the manner provided by section 471.59; provided that no commission shall enter into any contract with the council which would assign any operations authority, responsibility or function, other than planning or making studies, from the commission to the council.

Sec. 10. Minnesota Statutes 1984, section 473.141, is amended by adding a subdivision to read:

Subd. 15. [ANNUAL REPORTS.] *Each commission shall annually submit a report to the metropolitan council, detailing its performance for the previous year. The report shall be in the form and detail and submitted at the time reasonably required by the council. By September 15 of each year, after consultation with the council, the commission shall submit to the council a set of performance objectives respecting service delivery, finances, and management that the commission intends to meet during the subsequent year. If the council concurs with the objectives, it shall include them in its annual report pursuant to section 473.245. If the council does not concur with them, it shall notify the commission within 30 days, with comments. The commission shall consider the council's comments and resubmit performance objectives to the council within 30 days. The council shall then include them in its annual report.*

Sec. 11. Minnesota Statutes 1984, section 473.163, is amended by adding a subdivision to read:

Subd. 3a. *Each year, with its annual budget, the commission shall prepare a financial plan for the succeeding three calendar years. The financial plan must be consistent with the commission's development program and contain:*

(a) *a schedule of expected levels of public expenditure, both capital and operating, for the services and facilities planned;*

(b) *a schedule showing the expected sources of funds, user charges, and state and federal subsidies; and*

(c) *a plan and schedule showing the distribution of funds among various services, service areas and markets, and providers.*

The commission shall submit its financial plan to the council for review at a time to be determined by the council.

Sec. 12. Minnesota Statutes 1984, section 473.245, is amended to read:

473.245 [REPORTS.]

On or before January 15, of each year the metropolitan council shall report to the legislature. The report shall include:

(1) A statement of the metropolitan council's receipts and expenditures by category since the preceding report;

(2) A detailed budget for the year in which the report is filed and ~~the following year including an outline of its program for such period~~ *three-year projected expenditures and revenues, including the total revenues needed and the sources of revenues;*

(3) *A statement of what the metropolitan council has established as the metropolitan agenda for the year in which the report is filed, including at least the objectives and priorities that the metropolitan council intends to accomplish during the year and the performance objectives established for the metropolitan commissions and the regional transit board for the year in which the report is filed;*

(4) *An evaluation of the performance of the metropolitan council with respect to the metropolitan agenda for the previous year, and of the metropolitan commissions and the regional transit board with respect to their performance objectives for the previous year;*

(5) An explanation of any policy plan and other comprehensive plan adopted in whole or in part for the metropolitan area and the review comments of the affected commission;

(4) (6) Summaries of any studies and the recommendations resulting therefrom made by the metropolitan council, and a listing of all applications for federal moneys made by governmental units within the metropolitan area submitted to the metropolitan council;

(5) (7) A listing of plans of local governmental units and proposed matters of metropolitan significance submitted to the metropolitan council;

(6) (8) A detailed report on the progress of any project undertaken by the council pursuant to sections 473.193 to 473.201; ~~and~~

(7) (9) Recommendations of the metropolitan council for metropolitan area legislation, including the organization and functions of the metropolitan council ~~and~~, the commissions, ~~and the regional transit board; and~~

(10) *A report covering the current budget year and three-year projected expenditures and revenues of the metropolitan commissions and the regional transit board, including the total revenues needed and the sources of revenues.*

Sec. 13. Minnesota Statutes 1984, section 473.373, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The transit board consists of ~~14~~ *eight* members appointed by the council plus a chair appointed by the governor. One member must be appointed by the council from each of the ~~following districts: metropolitan council precincts.~~

(1) ~~District A, consisting of council district 1;~~

- (2) District B, consisting of council district 2;
- (3) District C, consisting of council district 3;
- (4) District D, consisting of council district 4;
- (5) District E, consisting of council district 5;
- (6) District F, consisting of council district 6;
- (7) District G, consisting of council district 8;
- (8) District H, consisting of council district 10;
- (9) District I, consisting of council district 11;
- (10) District J, consisting of council district 12;
- (11) District K, consisting of council district 15;
- (12) District L, consisting of council districts 7 and 9;
- (13) District M, consisting of council district 13 and that part of council district 14 within Carver and Hennepin counties;
- (14) District N, consisting of council district 16 and that part of council district 14 within Dakota and Scott counties."

Page 5, line 23, strike everything after "[TERMS.]"

Page 5, strike lines 24 to 31

Page 5, line 32, strike "the numeral '9.'" and delete "Thereafter"

Page 5, after line 35, insert:

"Sec. 15. Minnesota Statutes 1984, section 473.373, subdivision 7, is amended to read:

Subd. 7. [EMPLOYEES.] (a) *The council shall by resolution adopt guidelines for a personnel code of the regional transit board and the metropolitan agencies defined in section 473.121, subdivisions 7, 12, 15, 21, and 32. After adoption of the guidelines, the board and other agencies covered by this subdivision shall by resolution adopt a personnel code in general conformance with them.*

(b) *The board has the authority of a chief administrator to make all decisions on the appointment, promotion, demotion, suspension, and removal of all subordinate officers and regular employees of the board. The board may not take any action inconsistent with its personnel code. The board may authorize the chair or executive director to recommend employment decisions. The board shall act within 30 days on employment decisions recommended by the chair or executive director.*

Sec. 16. Minnesota Statutes 1984, section 473.375, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] *The transit board has the power and duties imposed by law. The exercise of any powers by the board must be consistent with the exercise by the metropolitan council of any of its powers and in general conformance with the uniform standards and procedures adopted by the council under section 473.129, subdivision 7. The board shall adopt pro-*

cedures addressing matters for which the council has adopted uniform standards and procedures."

Page 6, after line 8, insert:

"Sec. 18. Minnesota Statutes 1984, section 473.375, subdivision 16, is amended to read:

Subd. 16. [REPORT.] The board shall annually submit a report to the metropolitan council, ~~the governor, and the legislature~~ detailing its activities and finances for the previous year. *The report shall be in the form and detail and submitted at the time reasonably required by the council. By September 15 of each year after consultation with the council, the board shall submit to the council a set of performance objectives respecting service delivery, finances, and management that the board intends to meet during the following year. If the council concurs with the objectives, it shall include them in its annual report made pursuant to section 473.245. If the council does not concur with them, it shall notify the board within 30 days, with comments. The board shall consider the council's comments and resubmit performance objectives to the council within 30 days. The council shall then include them in its annual report.*

Sec. 19. Minnesota Statutes 1984, section 473.375, is amended by adding a subdivision to read:

Subd. 17. [AUDIT.] *The legislative auditor shall audit the books and accounts of the board once each year or as often as the legislative auditor's funds and personnel permit. The board shall pay the total cost of the audit pursuant to section 3.974.*

Sec. 20. Minnesota Statutes 1984, section 473.38, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] The regional transit board shall prepare, submit for review, adopt, and implement budgets and conduct its financial affairs in the same manner, with the same requirements and restrictions, and to the same effect as provided in section 473.163, subdivisions 1 to 4, *except that the board may develop and adopt its budget on a fiscal year basis to coincide with the fiscal year of the departments of the state government and except as otherwise provided in this section."*

Pages 7 to 9, delete section 11

Page 9, lines 5 and 6, delete "10 to 25" and insert "23 to 35"

Page 9, delete lines 8 and 9

Page 9, line 24, before "does" insert "includes a limousine, but" and delete "limousine," and after "van" delete the comma

Renumber the subdivisions in sequence

Page 9, line 26, delete "commission" and insert "regional transit board"

Page 9, after line 29, insert:

"(3) establish standards for customer service, including but not limited to standards for response to calls, acceptance of fares, and dispatching of taxicabs;"

Page 10, lines 1, 2, 7, 20, 22, 26, and 35, delete "*commission*" and insert "*board*"

Page 10, line 6, delete "*commission's*" and insert "*board's*"

Renumber the clauses in sequence

Page 10, line 14, delete "*commission*" in both places and insert "*board*" in both places

Page 10, delete section 16

Page 11, line 1, after "*vehicles*" insert "*, other than limousines,*"

Page 11, lines 3, 9, 10, 13, 16, 23, 27, 32, and 34, delete "*commission*" and insert "*board*"

Page 11, line 18, after "*safety,*" insert "*customer service,*"

Page 11, line 36, delete "*administrative and legal*" and after "*of*" insert "*operating*"

Page 12, lines 1, 3, and 8, delete "*commission*" and insert "*board*"

Page 12, line 3, delete "*12 and 16 to 20*" and insert "*24 and 28 to 31*"

Page 12, line 9, delete "*or the regional transit board*"

Page 12, line 10, delete everything before the period and insert "*implement rules and standards established by the board*"

Page 12, delete section 25

Page 12, line 25, delete everything after "*1987*"

Page 12, delete lines 26 to 28

Page 12, line 29, delete everything before the period

Pages 12 and 13, delete section 27

Pages 13 and 14, delete section 29 and insert:

"Sec. 38. Minnesota Statutes 1984, section 473.435, subdivision 2, is amended to read:

Subd. 2. [AUDIT.] ~~The transit commission shall employ a certified public accountant or firm to legislative auditor shall make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year, and or as often as the legislative auditor's funds and personnel permit.~~ Copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission, the board, and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445. ~~The commission shall pay the total cost of the audit pursuant to section 3.9741."~~

Page 14, line 23, delete "*10 to 25 and 30*" and insert "*23 to 35 and 39*"

Page 16, line 8, delete "*5 to 26*" and insert "*7 to 36*"

Page 16, line 11, delete "*1 to 9, 26 to 29, 32, and 33*" and insert "*1 to 22, 36 to 38, 41, and 42*"

Page 16, line 12, delete "10 to 25, 30, and 31" and insert "23 to 35, 39, and 40"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 11 and 12

Page 1, line 13, delete "commission;"

Page 1, line 16, before "appropriating" insert "prohibiting certain persons from receiving remuneration from certain suppliers; providing for various standards and procedures of metropolitan commissions; requiring reports and plans; regulating duties of the regional transit board; providing for the audit of certain metropolitan commissions;"

Page 1, line 18, after "2;" insert "15A.081, subdivision 1, and by adding a subdivision;"

Page 1, line 19, delete "352D.02, subdivision 1" and insert "473.129, by adding a subdivision; 473.141, subdivisions 9 and 13, and by adding a subdivision; 473.163, by adding a subdivision; 473.245"

Page 1, line 19, delete "subdivision 4" and insert "subdivisions 2, 4, and 7; 473.375, subdivisions 1 and 16, and by adding a subdivision; 473.38, subdivision 1"

Page 1, line 22, delete "473.404, subdivision 7;"

Page 1, line 23, delete everything after "and" and insert "473.435, subdivision 2;"

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

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

S.F. No. 1375: A bill for an act relating to real property; allowing closed bids to be made by Fond du Lac governing body on tax-forfeited lands within the Fond du Lac reservation; proposing coding for new law in Minnesota Statutes, chapter 282.

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 282.01, is amended by adding a subdivision to read:

Subd. 7b. [FOND DU LAC RESERVATION LANDS.] If a parcel of land subject to sale under sections 282.01 to 282.13 includes land within the Fond du Lac Indian reservation, the county auditor shall first offer the land to the Fond du Lac band of Chippewa Indians for sale at the appraised value. The cost of any survey or appraisal must be added to and made a part of the appraised value. To determine whether the band wants to buy the land, the county auditor shall give written notice to the band. If the band wants to buy

the land, it shall submit a written offer to the county auditor within two weeks after receiving the notice. If the offer is for at least the appraised value, the county auditor shall accept it. The band may have not more than two years from the date the offer was accepted to begin payment for the lands in the manner provided by law."

Delete the title and insert:

"A bill for an act relating to tax-forfeited land; requiring land within the Fond du Lac Indian reservation to be offered for sale to the Fond du Lac band; amending Minnesota Statutes 1984, section 282.01, by adding a subdivision."

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. 1175: A bill for an act relating to natural resources; providing for payment of attorney fees for proceedings involving the determination of public waters and wetlands; amending Minnesota Statutes 1984, section 105.391, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

\$_____ is appropriated from the general fund to the attorney general to pay the Todd County hearing unit the legal fees incurred in the state's appeal of the hearing unit decision arising under Department of Natural Resources v. Todd County Hearing Unit, 356 N. W. 2d 703, 1984."

Amend the title as follows:

Page 1, line 4, delete "amending" and insert "appropriating money."

Page 1, delete lines 5 and 6

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

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

H.F. No. 516: A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes,

chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

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

Page 64, line 6, after "395.02;" insert "and" and delete everything after "395.03"

Page 64, delete line 7

Page 64, line 8, delete "and 395.24"

Amend the title as follows:

Page 1, line 18, after "395.02;" insert "and" and delete everything after "395.03"

Page 1, delete line 19

Page 1, delete "395.24"

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. 993: A bill for an act relating to water; providing for comprehensive local water management; requiring counties to develop and implement county water and related land resources plans; authorizing the water resources board to make comprehensive water planning grants to counties; providing additional authorities to counties; providing additional duties of the water resources board; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 110B.

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

Delete everything after the enacting clause and insert:

"Section 1. [110B.01] [TITLE.]

Sections 1 to 11 may be cited as the "comprehensive local water management act."

Sec. 2. [110B.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 11.

Subd. 2. [BOARD.] "Board" means the water resources board.

Subd. 3. [COMPREHENSIVE WATER PLAN.] "Comprehensive water plan" means the plan required of counties by sections 3 and 4.

Subd. 4. [GROUNDWATER SYSTEMS.] "Groundwater systems" means the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled

"Designation of Principal Water Supply Aquifers in Minnesota" (August 1981), and its revisions.

Subd. 5. [LOCAL UNITS OF GOVERNMENT.] *"Local units of government" means municipalities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under section 471.59, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level.*

Subd. 6. [MUNICIPALITY.] *"Municipality" means a statutory or home rule charter city.*

Subd. 7. [OFFICIAL CONTROLS.] *"Official controls" means ordinances and regulations that control the physical development of the whole or part of a local government unit, or that implement the general objectives of the local government unit.*

Subd. 8. [RELATED LAND RESOURCES.] *"Related land resources" means land affected by present or projected management practices that have significant effects on the quantity and quality, or use of groundwater or surface water.*

Subd. 9. [WATERSHED UNITS.] *"Watershed units" means each of the 81 major watershed units identified in the state watershed boundaries map prepared pursuant to the requirements of Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying data base, and the revisions of that data base.*

Sec. 3. [110B.03] [COUNTY WATER PLANNING AND MANAGEMENT.]

Subdivision 1. [COUNTY DUTIES.] *Each county shall develop and implement a comprehensive water plan. Each county has the duty and authority to:*

(1) *prepare and adopt a comprehensive water plan that meets the requirements of this section and section 4;*

(2) *review water and related land resources plans and official controls submitted by local units of government to assure consistency with the comprehensive water plan; and*

(3) *exercise any and all powers necessary to assure implementation of comprehensive water plans.*

Subd. 2. [DELEGATION.] *The county is responsible for preparing, adopting, and assuring implementation of the comprehensive water plan, but may delegate all or part of the preparation of the plan to a local unit of government, a regional development commission, or a resource conservation and development committee. The county may not delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that does not possess those powers.*

Subd. 3. [COORDINATION.] (a) *To assure the coordination of efforts of all local units of government within a county during the preparation and implementation of a comprehensive water plan, each county shall conduct meetings with other local units of government and may execute agreements*

with other local units of government establishing the responsibilities of each unit during the preparation and implementation of the comprehensive water plan.

(b) Each county shall coordinate its planning program with contiguous counties. Before meeting with local units of government, a county board shall notify the county boards of each county contiguous to it that the county is about to begin preparing its comprehensive water plan and request and hold a joint meeting with the contiguous county boards to consider the planning process.

Subd. 4. [WATER PLAN REQUIREMENTS.] (a) A comprehensive water plan must:

- (1) cover the entire area within a county;
- (2) address water problems in the context of watershed units and groundwater systems;
- (3) be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management;
- (4) be consistent with comprehensive water plans prepared by counties wholly or partially within a single watershed unit or groundwater system; and
- (5) apply to every year through the year 1995 or any later year that is evenly divisible by five and must be updated before the period covered expires.

(b) Existing water and related land resources plans, including plans related to agricultural land preservation programs developed pursuant to chapter 40A, must be fully utilized in preparing the comprehensive water plan. Duplication of the existing plans is not required.

Subd. 5. [WATERSHED DISTRICT AND INTERCOUNTY JOINT POWERS BOARD PLANS AND RULES.] A county must incorporate into its comprehensive water plan any existing plans and rules adopted by a watershed district or intercounty joint powers board having jurisdiction wholly or partly within the county. A county may change the plans and rules it incorporates if the county demonstrates in its comprehensive water plan why the changes are necessary and if the changes are agreed to by each county: (1) responsible for the appointment of a manager serving on the watershed board, or (2) represented on the joint powers board.

Subd. 6. [SCOPE OF PLANS.] Comprehensive water plans must include:

- (1) a description of the existing and expected changes to physical environment, land use, and development in the county;
- (2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;
- (3) objectives for future development, use, and conservation of water and related land resources, including objectives that concern water quality and quantity and related land use conditions, and a description of actions that will be taken in affected watersheds or groundwater systems to achieve the objectives;
- (4) a description of potential changes in state programs, policies, and re-

quirements considered important by the county to management of water resources in the county;

(5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;

(6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;

(7) a program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and the schedule, components, and expected state and local costs of any projects to implement the comprehensive water plan that may be proposed, although this does not mean that projects are required by this section; and

(8) a procedure for amending the comprehensive water plan.

Subd. 7. [COMPLETION.] The comprehensive water plan must be prepared and submitted for review under section 4 by June 30, 1989. Existing water and related land resources plans and official controls shall remain in effect until amended or superseded by a comprehensive water plan adopted under section 4.

Sec. 4. [110B.04] [COMPREHENSIVE WATER PLAN REVIEW AND ADOPTION.]

Subdivision 1. [LOCAL REVIEW.] When the comprehensive water plan is completed, but before its final adoption by the county board, the county board shall submit the comprehensive water plan for review and comment to:

(1) all local units of government wholly or partly within the county;

(2) the applicable regional development commission, if any;

(3) each contiguous county and watershed management organization, as defined in section 473.876;

(4) other counties or watershed management organizations within the same watershed unit that may be affected by proposals in its comprehensive water plan.

Subd. 2. [COMMENTS TO COUNTY BOARD.] (a) A local unit of government must review the comprehensive water plan and existing water and related land resources plans or official controls and in its comments describe in a general way possible amendments to its existing plans or official controls, and an estimate of the fiscal or policy effects that would be associated with those amendments, to bring them into conformance with the comprehensive water plan.

(b) A county or watershed management organization within the same watershed unit or groundwater system must review comprehensive water plans received and describe in its comments possible conflicts with its existing or proposed comprehensive water plan and suggest measures to resolve the conflicts.

(c) The regional development commission shall review the plan pursuant to

section 462.391, subdivision 1.

Subd. 3. [LOCAL REVIEW PERIOD.] Comments under subdivision 2 must be submitted to the county board within 60 days after receiving a comprehensive water plan for comment, unless the county board of the county that prepared the plan determines that good cause exists for an extension of this period and grants an extension.

Subd. 4. [PUBLIC HEARING.] The county board shall conduct a public hearing on the comprehensive water plan pursuant to section 375.51 after the 60-day period for local review and comment is completed, but before submitting it to the state for review.

Subd. 5. [STATE REVIEW.] (a) After conducting the public hearing but before final adoption, the county board must submit its comprehensive water plan, all written comments received on the plan, a record of the public hearing under subdivision 4, and a summary of changes incorporated as a result of the review process to the board for review. The board shall complete the review within 90 days after receiving a comprehensive water plan and supporting documents. The board shall consult with the departments of agriculture, health, and natural resources; the pollution control agency; the state planning agency; the environmental quality board; and other appropriate state agencies during the review.

(b) The board may disapprove a comprehensive water plan if the board determines the plan is not consistent with state law. If a plan is disapproved, the board shall provide a written statement of its reasons for disapproval. A disapproved comprehensive water plan must be revised by the county board and resubmitted for approval by the board within 120 days after receiving notice of disapproval of the comprehensive water plan, unless the board extends the period for good cause. The decision of the board to disapprove the plan may be appealed by the county as provided in section 10.

Subd. 6. [ADOPTION AND IMPLEMENTATION.] A county board shall adopt and begin implementation of its comprehensive water plan within 120 days after receiving notice of approval of the plan from the board.

Subd. 7. [AMENDMENTS.] Amendments to a comprehensive water plan must be submitted to local units of government and to the board in the same manner as a comprehensive water plan.

Sec. 5. [110B.05] [PLANNING GRANTS TO COUNTIES.]

Subdivision 1. [GRANTS.] The board shall make grants to counties to assist them in carrying out the provisions of sections 3 to 11. Only counties are eligible to receive grants but they may contract with other local units of government to complete planning responsibilities under section 3. Grants may be used to employ staff or to contract with other local units of government to:

- (1) develop, evaluate, and update comprehensive water plans; and*
- (2) assist local units of government in revising existing local water and related land resources plans or official controls.*

Subd. 2. [FUNDS TO LOCAL UNITS OF GOVERNMENT.] Counties that receive grants under this section shall make funds directly available to

other local units of government that are required to make substantial amendments to local water and related land resources plans and official controls as the result of the adoption of a comprehensive water plan or an amendment to it. Counties shall identify the potential recipients of funds in the application to the board.

Subd. 3. [LOCAL MATCH.] Grants to counties may not exceed 50 percent of the total cost of the comprehensive water planning program. A county may pay for the portion of water planning costs incurred in implementing sections 3 to 11 that are not covered by a grant through in-kind services and may include the in-kind services of other local units of government in determining the local share of the costs, but only if the local units of government providing in-kind services receive direct financial assistance under sections 3 to 11.

Sec. 6. [110B.06] [DUTIES OF THE BOARD.]

The board shall:

(1) develop guidelines for the contents of comprehensive water plans that provide for a flexible approach to meeting the different water and related land resources needs of counties and watersheds across the state;

(2) coordinate assistance of state agencies to counties and other local units of government involved in preparation of comprehensive water plans, including identification of pertinent data and studies available from the state and federal government;

(3) conduct an active program of information and education concerning the requirements and purposes of sections 3 to 11 in conjunction with the association of Minnesota counties;

(4) develop uniform procedures for the award and disbursement of grants and administer the grants as provided for in section 5;

(5) determine contested cases under section 10; and

(6) establish a process for review of comprehensive water plans that assures the plans are consistent with state law.

Sec. 7. [110B.07] [CONSISTENCY OF LOCAL PLANS AND CONTROLS WITH THE COMPREHENSIVE WATER PLAN.]

Subdivision 1. [REQUIREMENT.] Local units of government shall amend existing water and related land resources plans and official controls as necessary to conform them to the applicable, approved comprehensive water plan following the procedures in this section.

Subd. 2. [PROCEDURE.] Within 90 days after local units of government are notified by the county board of the adoption of a comprehensive water plan or of adoption of an amendment to a comprehensive water plan, the local units of government exercising water and related land resources planning and regulatory responsibility for areas within the county must submit existing water and related land resources plans and official controls to the county board for review. The county board shall identify any inconsistency between the plans and controls and the comprehensive water plan and shall recommend the amendments necessary to bring local plans and official controls into conformance with the comprehensive water plan.

Subd. 3. [REVISION AND IMPLEMENTATION.] Local units of government shall revise existing plans and official controls to conform them to the recommendations of the county board and shall initiate implementation of the revised plans and controls within 90 days after receiving the recommendations of the county board, or 90 days after resolution of an appeal, whichever is later.

Subd. 4. [APPEALS.] A local unit of government may, within 60 days after receiving the recommendations of the county board, appeal any recommendation to the water resources board for a hearing as provided in section 10.

Subd. 5. [NEW PLANS AND CONTROLS.] New or amended water and related land resources plans and official controls proposed by local units of government for their adoption following adoption of the comprehensive water plan shall be submitted to the county board for review and recommendation as provided under this section.

Sec. 8. [110B.08] [AUTHORITY UNDER APPROVED COMPREHENSIVE WATER PLANS.]

Subdivision 1. [AUTHORITY.] When an approved comprehensive water plan is adopted the county has the authority specified in this section.

Subd. 2. [REGULATION OF WATER AND LAND RESOURCES.] The county may regulate the use and development of water and related land resources within incorporated areas when one or more of the following conditions exists:

(1) the municipality does not have a local water and related land resources plan or official controls consistent with the comprehensive water plan;

(2) a municipal action granting a variance or conditional use would result in an action inconsistent with the comprehensive water plan;

(3) the municipality has authorized the county to require permits for the use and development of water and related land resources; or

(4) a state agency has delegated the administration of a state permit program to the county.

Subd. 3. [ACQUISITION OF PROPERTY; ASSESSMENT OF COSTS; WATERSHED PETITIONS.] A county may:

(1) acquire in the name of the county, by condemnation under chapter 117, real and personal property found by the county board to be necessary for the implementation of an approved comprehensive water plan;

(2) assess the costs of projects necessary to implement the comprehensive water plan undertaken under sections 1 to 12 upon the property benefited within the county in the manner provided by chapter 429, except that the definition of benefited properties provided in section 112.501, subdivision 2, shall apply;

(3) charge users for services provided by the county necessary to implement the comprehensive water plan; and

(4) utilize the bond and tax provisions of section 473.882 for financing capital improvements under sections 1 to 12.

Subd. 4. [EXEMPTION FROM LEVY LIMIT.] The governing body of any county, municipality, or township may levy a tax in an amount required to implement sections 3 to 11. A levy to pay the cost of implementing sections 3 to 11 or to pay the cost of projects or programs identified in an adopted comprehensive water plan shall be in addition to other taxes authorized by law and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

Subd. 5. [PUBLIC DRAINAGE.] Projects necessary to implement the comprehensive water plan that are intended for the purpose of improving drainage shall be established, repaired, and improved under chapter 106 and not sections 3 to 11.

Subd. 6. [RULEMAKING AUTHORITY; LOCAL ADVISORY COMMITTEE.] The board shall adopt rules to implement sections 1 to 10 and shall utilize a committee consisting of persons representing counties, soil and water conservation districts, municipalities, and townships and persons interested in water planning to assist the board in the water planning process. Members shall be appointed, serve, and be paid their expenses but may not receive other compensation, pursuant to section 15.014.

Sec. 9. [110B.09] [INFORMAL CONFLICT RESOLUTION.]

The county, or other local unit of government may request a meeting with the chair of the water resources board to informally resolve the dispute prior to the initiation of contested case procedure under section 10 if:

(1) the interpretation and implementation of a comprehensive water plan is challenged by a local unit of government aggrieved by the plan;

(2) two or more counties disagree about the apportionment of the costs of a project implementing a comprehensive water plan; or

(3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control recommended by the county under section 7.

Sec. 10. [110B.10] [CONTESTED CASES.]

Subdivision 1. [RELIEF FOR AGGRIEVED GOVERNMENT UNIT.] A county or other local unit of government aggrieved by a dispute under section 9 may petition for a hearing with the board pursuant to this section.

Subd. 2. [TIME FOR PETITION.] The county or other local unit of government must file the petition by 60 days after:

(1) the date of the adoption or approval of the disputed ordinance, or other decision required to be made to implement the comprehensive water plan; or

(2) the date a local unit of government receives a recommendation of the county board under section 7.

Subd. 3. [HEARING.] If the aggrieved county or other local unit of government files a petition for a hearing, a hearing shall be conducted by the state office of administrative hearings under the contested case procedure of chapter 14 within 60 days of the request. The subject of the hearing may not extend to questions concerning the need for a comprehensive water plan. In the report of the hearing examiner, the cost of the proceeding shall be equally

apportioned among the parties to the proceeding. Within 30 days after receiving the report of the hearing examiner, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with respect to the issue before it.

Subd. 4. [APPEAL.] Any local unit of government, or state agency, aggrieved by the final decision of the board may appeal the decision to the court of appeals in the manner provided by sections 14.63 to 14.69.

Sec. 11. [APPLICATION.]

(a) Sections 1 to 10 apply to all counties except as provided in this section.

(b) Sections 1 to 10 apply only in the portions of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties not subject to the requirements of sections 473.875 to 473.883.

(c) Sections 1 to 10 do not apply to a local unit of government in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county not subject to the requirements of sections 473.875 to 473.883 that has formed a joint powers watershed management organization with local units of government subject to the requirements of sections 473.875 to 473.883 before December 31, 1985.

Sec. 12. [APPROPRIATION.]

\$___ is appropriated from the general fund to the board for the purpose of carrying out section 5, to be available until June 30, 1987.

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

H.F. No. 985 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.
		985	1028		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 985 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 985 and insert the language after the enacting clause of S.F. No. 1028, the first engrossment; further, delete the title of H.F. No. 985 and insert the title of S.F. No. 1028, the first engrossment.

And when so amended H.F. No. 985 will be identical to S.F. No. 1028, and further recommends that H.F. No. 985 be given its second reading and substituted for S.F. No. 1028, 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. 1032 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.
		1032	1138		

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. 796 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.
		796	1141		

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. 991 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.
		991	1102		

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. 379 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.
379	365				

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. 91 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.
91	139				

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. 1197 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.
1197	920				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1197 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1197 and insert the language after the enacting clause of S.F. No. 920, the first engrossment; further, delete the title of H.F. No. 1197 and insert the title of S.F. No. 920, the first engrossment.

And when so amended H.F. No. 1197 will be identical to S.F. No. 920, and further recommends that H.F. No. 1197 be given its second reading and substituted for S.F. No. 920, 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. 1093 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.
1093	1024				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1093 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1093 and insert the language after the enacting clause of S.F. No. 1024, the first engrossment; further, delete the title of H.F. No. 1093 and insert the title of S.F. No. 1024, the first engrossment.

And when so amended H.F. No. 1093 will be identical to S.F. No. 1024, and further recommends that H.F. No. 1093 be given its second reading and substituted for S.F. No. 1024, 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. 645 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.
645	746				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 645 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 645 and insert the language after the enacting clause of S.F. No. 746, the first engrossment; further, delete the title of H.F. No. 645 and insert the title of S.F. No. 746, the first engrossment.

And when so amended H.F. No. 645 will be identical to S.F. No. 746, and further recommends that H.F. No. 645 be given its second reading and substituted for S.F. No. 746, 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. 831 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.
831	803				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 831 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 831 and insert the language after the enacting clause of S.F. No. 803, the first engrossment; further, delete the title of H.F. No. 831 and insert the title of S.F. No. 803, the first engrossment.

And when so amended H.F. No. 831 will be identical to S.F. No. 803, and further recommends that H.F. No. 831 be given its second reading and substituted for S.F. No. 803, 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. 982 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.
982	1185				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 982 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 982 and insert the language after the enacting clause of S.F. No. 1185, the first engrossment; further, delete the title of H.F. No. 982 and insert the title of S.F. No. 1185, the first engrossment.

And when so amended H.F. No. 982 will be identical to S.F. No. 1185, and further recommends that H.F. No. 982 be given its second reading and substituted for S.F. No. 1185, 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. 245 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.
245	802				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 245 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 245 and insert the language after the enacting clause of S.F. No. 802, the first engrossment; further, delete the title of H.F. No. 245 and insert the title of S.F. No. 802, the first engrossment.

And when so amended H.F. No. 245 will be identical to S.F. No. 802, and further recommends that H.F. No. 245 be given its second reading and substituted for S.F. No. 802, 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. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 418: A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, subdivisions 1 and 5, and by adding subdivisions; 474.17, subdivisions 1, 2, and 3; 474.18, subdivisions 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; and 474.23.

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

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1984, section 116M.07, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The authority may make or purchase or participate with financial institutions in making or purchasing business loans, small business loans, energy loans, pollution control loans, *health care equipment loans*, and farm loans upon the conditions described in this section, and may enter into commitments therefor. In addition, the authority may engage in loans-to-lenders programs with respect to farm loans to the extent set forth in this section.

Sec. 3. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7a. [HEALTH CARE EQUIPMENT LOANS; AUTHORITY.] The authority may make or participate in making health care equipment loans in

any amount and may enter into commitments therefor. The loans may be made only from the proceeds of bonds or notes issued pursuant to subdivision 7b. Before making a commitment for a loan, the authority shall seek the comments of the commissioner of health. The commissioner shall review the loan applications according to the provisions of subdivision 7c.

Sec. 4. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7b. [HEALTH CARE EQUIPMENT LOANS; BONDS AND NOTES.] The authority may issue its bonds and notes to provide money for the purposes specified in subdivision 7a. For this purpose, the authority may exercise all of the powers conferred on it by sections 116M.03 and 116M.06 to 116M.08 with respect to business loans, except as limited by subdivisions 7a to 7c. The principal amount of bonds and notes issued and outstanding under this subdivision at any time, computed as specified in section 116M.08, subdivision 11, may not exceed \$95,000,000. This authorization is in addition to the authorization contained in section 116M.08, subdivision 11. The bonds and notes issued to make the loans may not be insured by the authority but shall be insured by a letter of credit or bond insurance issued by a private insurer.

Sec. 5. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7c. [HEALTH CARE EQUIPMENT LOANS; ADMINISTRATION.] (a) The commissioner of health shall evaluate each loan application received from the authority and in order to receive the approval of the commissioner under this subdivision, the applicant must demonstrate that:

(1) the hospital is owned and operated by a municipality or nonprofit corporation;

(2) the loan would not be used to refinance existing debt;

(3) the hospital was unable to obtain suitable financing from other sources;

(4) the loan is necessary to establish or maintain patient access to an essential health care service that would not otherwise be available within a reasonable distance from that facility; and

(5) the project to be financed by the loan is cost-effective and efficient.

The commissioner shall compare an application to other similar applications received during such time period as the commissioner may by rule determine and shall comment in writing to the authority on the extent to which loan applications meet the criteria set forth in this paragraph. The commissioner of health may charge a reasonable fee to any applicant in the amount of that part of the costs of the department of health incurred in the review of the application and may adopt emergency and permanent rules to implement the provisions of this paragraph.

(b) The authority shall consider the comments of the commissioner of health and shall rank applications for health care equipment loans by awarding points for the satisfaction of the criteria contained in this subdivision. The authority shall make loans to the extent of funds available for that purpose in the order of the applicants with the most points awarded under this subdivi-

sion. The authority shall award one point for the satisfaction of each of the following criteria:

- (1) The application has been approved by the commissioner of health.
- (2) Approval of the application will improve the competitiveness of a hospital over hospitals located outside of the state.
- (3) Approval of the application will contribute to creation or retention of jobs in the community where the applicant hospital is located.
- (4) Approval of the application supports the objectives of the "governor's task force on promoting Minnesota's health/medical care resources."
- (5) Approval of the application would not contribute to unnecessary duplication of services in the applicant's community.
- (6) Approval of the application would not increase health care costs.

The authority shall, in applying the criteria contained in this paragraph, compare an application to other similar applications received during such time period as it may by rule determine. The authority may adopt emergency and permanent rules necessary to implement this paragraph."

Page 2, after line 9, insert:

"Sec. 7. Minnesota Statutes 1984, section 474.16, subdivision 4, is amended to read:

Subd. 4. "Previous use" means the principal amount of obligations of a type subject to limitation under the terms of a federal limitation act issued by a local issuer during a specified period. ~~Prior to enactment by Congress of the United States of America of a federal limitation act, "previous use" means the principal amount of obligations of a type subject to limitation under the terms of section 721 of the Tax Reform Bill of 1984, H.R. 4170, as reported by the Ways and Means Committee of the United States House of Representatives on March 5, 1984, issued by a local issuer during a specified period.~~

For the purposes of calculating entitlement allocations for calendar year 1986 and thereafter the following limitations shall apply. In the case of obligations issued by a local issuer in a principal amount in excess of \$10,000,000 which qualify for an exemption from federal income taxation pursuant to section 103(b)(4)(F) of the Internal Revenue Code of 1954, as amended, only \$5,000,000 of the principal amount of such obligations shall be counted as "previous use." In the case where an entitlement issuer's previous use calculation for 1984 and 1985 included bonds described in the previous sentence, "previous use" does not include obligations issued by an issuer other than the entitlement issuer pursuant to a transfer of the entitlement issuer's allocation. "Previous use" does not include obligations issued prior to June 1, 1984, for the purpose of refunding or refinancing obligations issued by a local issuer which qualify for an exemption from federal income taxation pursuant to section 103(b) of the Internal Revenue Code of 1954, as amended."

Page 2, line 30, after the period, insert "A preliminary resolution for a project which is authorized by chapter 115A, chapter 400, or sections 473.801 to 473.834 need not include the site for the project, provided that the resolution identifies a specific process and a deadline for site selection."

Page 4, line 18, after the period, insert "*The iron range resources and rehabilitation commissioner shall give priority consideration to projects which are authorized by chapter 115A or chapter 400.*"

Page 4, line 27, strike "clause (2)" and insert "*subdivision 4, except that priority must be given to the agricultural research loan guaranty fund*"

Page 4, lines 28 and 29, reinstate the stricken language

Page 4, line 29, delete "*department*"

Page 4, line 31, strike "clause (2)" and insert "*subdivision 4*"

Page 5, lines 7, 8, 12, 13, 18, and 19, reinstate the stricken language

Page 5, lines 8, 13, and 19, delete "*department*"

Page 5, lines 10, 15, and 22, strike "clause (2)" and insert "*subdivision 4*"

Page 5, after line 25, insert:

"Sec. 14. Minnesota Statutes 1984, section 474.17, is amended by adding a subdivision to read:

Subd. 3a. [ALLOCATION FOR HEALTH CARE EQUIPMENT FINANCING.] In addition to the aggregate limit allocated to the department of energy and economic development under subdivision 3, the department is allocated in 1986 and thereafter, the amount of issuance authority determined pursuant to section 474.25, subdivision 2, for the purposes of health care equipment financing under sections 3 to 5.

Sec. 15. Minnesota Statutes 1984, section 474.17, subdivision 4, is amended to read:

Subd. 4. [LOCAL ISSUER POOL ALLOCATION.] Any amount of the aggregate limit of bond issuance authority allocated to the state for any calendar year pursuant to a federal limitation act which is not allocated pursuant to subdivisions 1 to 3 shall be allocated among local issuers pursuant to sections 474.18 to 474.23.

Sec. 16. Minnesota Statutes 1984, section 474.18, subdivision 1, is amended to read:

Subdivision 1. [ALLOCATION AMOUNTS.] From January 1 to August 31 of each calendar year, 80 75 percent of the amount of authority determined pursuant to section 474.17 shall be available solely for issuance of obligations by entitlement issuers."

Page 5, line 30, after the second comma, insert "*and on or before January 15, 1986, and of each calendar year thereafter,*"

Page 6, after line 18, insert:

"The governing body of the city or the port authority commission shall rank each commercial project application for issuance authority on the basis of the number of points awarded to the project from the allocation criteria contained in section 479.19, subdivision 3. The city or the port authority commission shall then allocate issuance authority to commercial project applicants on the basis of the numerical rank determined pursuant to this sec-

tion. On or before December 31 of each year, the city or the port authority commission shall submit a commercial project report to the department. The report shall include all commercial applications submitted to the city or the port authority commission on or before December 31, the specific points awarded to each commercial project, and the numerical ranking of the commercial projects. For purposes of this section, "commercial project" means any project in which 75 percent of the proceeds of the proposed obligations will be used for the provision of retail sales of goods and services."

Page 8, line 5, after the period, insert "For obligations issued during calendar year 1985 and thereafter, one-half of"

Page 8, line 8, before the period, insert "and one-half of the issuance shall be considered issued by the issuer issuing the bonds" and after the period, insert "The issuer transferring its authority may only recover from the transferee its costs involved in the transfer and any application deposit."

Page 8, line 24, strike "August" and insert "July"

Page 8, line 25, strike "20" and insert "25"

Page 8, line 28, after the period, insert "After July 31, an allocation may be made for an application submitted by an entitlement issuer."

Page 9, line 4, after the period, insert "After July 31, 1985, a county may apply for an allocation for an amount in excess of the amount reserved by section 474.19, subdivision 4, for projects authorized by chapter 115A, chapter 400 or sections 473.801 to 473.834 for such a project provided that allocations for all projects authorized by chapter 115A, chapter 400 or sections 473.801 to 473.834 shall not exceed 49 percent of the total amount available for allocation pursuant to section 474.19. Applications submitted pursuant to the prior sentence shall be considered on the same basis as other applications submitted pursuant to section 474.19."

Page 9, line 31, strike "July 31" and insert "June 30"

Page 9, line 32, strike "Its application"

Page 9, strike line 33

Page 10, lines 24 and 29, after "of" insert "permanent"

Page 10, line 30, strike "two" and insert "five"

Page 11, line 28, after the period, insert "One additional point shall be awarded for such projects."

Page 11, line 35, after "470a" insert "or (iii) designated as a state historic site pursuant to sections 138.51 to 138.581"

Page 11, strike line 36

Page 12, strike lines 1 to 3

Page 12, line 4, strike "(13)" and insert "(12)"

Page 12, line 7, strike "(14)" and insert "(13)"

Page 12, line 11, strike "(15)" and insert "(14)"

Page 12, line 15, strike "or" and insert a semicolon

Page 12, line 19, after "located" insert "*; or (c) the applicant reasonably expects that without construction of the project, the anticipated owner of the project will either cease operations within the state, or reduce its work force in the state by the number of persons to be employed by the project*"

Page 12, line 20, strike "(16)" and insert "(15)"

Page 12, line 22, strike "(17) Seventy-five" and insert "(16) Fifty"

Page 12, line 25, strike "(18)" and insert "(17)"

Page 12, line 27, strike "(19)" and insert "(18)"

Page 12, line 30, after "proceeds" insert "*or the issuer provides other financial assistance to the project*"

Page 12, line 31, after "devices" insert "*or financial assistance provided or*"

Page 12, after line 34, insert:

"(19) The project is comprised of properties, real or personal, used or useful in connection with a revenue producing enterprise engaged or to be engaged in assembling, fabricating, manufacturing, mixing, processing, or distributing any products of agriculture, forestry, mining, or manufacture, and properties, real or personal, used or useful in connection with research and development activity to develop or improve products, production processes, or materials. For purposes of this clause, "a product of manufacture" includes information and directions which dictate the functions to be performed by data processing equipment, commonly called computer software, regardless of whether they are embodied in or recorded on tangible personal property. A project qualifies under this clause only if 75 percent of the proceeds of the proposed obligations will be used for construction, acquisition, installation, or addition of properties described in this subdivision.

(20) Seventy-five percent or more of the proceeds of the proposed issue will be used for manufacturing projects."

Page 13, line 15, delete "on" and insert "between" and after "2" insert "*and August 31*"

Page 16, lines 19 to 21, delete the new language

Page 16, line 29, delete "and" and insert "*by an applicant from funds of the applicant which was not reimbursed by a private party, and which was*" and after the period, insert "*Refunds authorized by this subdivision are permitted only with respect to application deposits made during calendar year 1984 and may not be made for application deposits deposited during calendar year 1985 or any subsequent year. In calendar year 1985 and any subsequent year, application deposits shall be refunded only in accordance with the provisions of sections 474.16 to 474.25."*

Pages 16 to 18, delete sections 21 and 22 and insert:

"Sec. 29. Minnesota Statutes 1984, section 474.19, is amended by adding a subdivision to read:

Subd. 9. [APPROPRIATION.] Application deposits received by the department pursuant to sections 474.17, 474.18, and this section are appro-

priated to the department for the purposes of refunding the deposits when permitted by the sections."

Page 19, line 5, strike "to the"

Page 19, line 6, strike everything before "which"

Page 19, line 8, after "474.20" insert "*and a separate summary report of the commercial project reports required under section 474.18, subdivision 2, and of the commercial projects that received allocations of issuance authority under section 474.19 to the secretary of the senate and the clerk of the house*"

Page 20, after line 4, insert:

"Sec. 34. Minnesota Statutes 1984, section 474.25, is amended to read:

474.25 [FEDERAL LIMITATION ACT.]

Subdivision 1. [FARM LOANS.] The allocation of bonding authority provided by chapter 474 to the iron range resources and rehabilitation commissioner with respect to a federal limitation act is reduced by \$1,250,000 for calendar year 1984 and is reduced by \$500,000 for calendar year 1985. The allocation of bonding authority provided by chapter 474 for entitlement issuers with respect to a federal limitation act is reduced by \$1,250,000 for calendar year 1984 and is reduced by \$500,000 for calendar year 1985. The allocation of bonding authority provided by chapter 474 to local issuers who are not entitlement issuers with respect to a federal limitation act is reduced by \$1,250,000 for calendar year 1984 and is reduced by \$500,000 for calendar year 1985. The allocation of bonding authority provided by chapter 474 to the department of energy and economic development with respect to a federal limitation act is increased by \$3,750,000 for calendar year 1984 and \$1,500,000 for calendar year 1985. Until August 31 the department of energy and economic development shall make available at least \$5,000,000 for 1984 and \$6,000,000 for 1985 of its allocation of bonding authority for farm loans authorized by section 116J.90. For the November allocation in each year the commissioner shall approve applications from the department for farm loans to be made pursuant to section 116J.90 in an amount up to \$1,000,000 or the amount remaining to be allocated, whichever is less, prior to approving other applications.

Subd. 2. [HEALTH CARE EQUIPMENT LOANS.] The allocation of bonding authority provided by chapter 474 to local issuers who are not entitlement issuers with respect to a federal limitations act is reduced by \$12,000,000 for calendar year 1986, and in each year thereafter by an amount which bears the same percentage relationship to the allocation to all nonentitlement issuers in that year as \$12,000,000 bears to the allocation for all nonentitlement issuers in 1985. Notwithstanding any other provision of chapter 474, the amount of allocation authority resulting from the reductions provided in this subdivision shall remain in the pool until December 31 of each year and shall be allocated by the department under section 14.

Sec. 35. [APPROPRIATION.]

A sum sufficient to pay the return or refund of application deposits authorized by section 28 is appropriated to the department from the general fund.

Sec. 36. [REPEALER.]

Laws 1984, chapter 582, section 23, is repealed."

Page 20, line 7, delete "6, 8, 9, and 12" and insert "26 and 33"

Page 20, line 11, delete "3" and insert "20"

Page 20, line 13, delete "12" and insert "33"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

Page 1, line 6, after the semicolon, insert "116M.07, subdivision 1, and by adding subdivisions;"

Page 1, line 7, after "1" insert ", 4,"

Page 1, line 8, delete "and 3" and insert "3, 4, and by adding a subdivision" and after the second "subdivisions" insert "1,"

Page 1, line 12, delete "and" and after "474.23" insert "; and 474.25; repealing Laws 1984, chapter 582, section 23"

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

S.F. No. 445: A bill for an act relating to local government; requiring prompt payment of local government bills; proposing coding for new law in Minnesota Statutes, chapter 471.

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 16A.124, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of section 16A.124, the following terms have the meanings here given them.

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section ~~16.011~~ 16A.011.

Sec. 2. Minnesota Statutes 1984, section 16A.124, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) A state agency shall pay interest to a vendor for undisputed billings when the agency has not paid the billing within 30 days following receipt of the invoice, merchandise, or service whichever is later. A negotiated contract or agreement between a vendor and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's invoice shall not be considered past due until 30 days after the

completion of the audit by the state agency. Before any interest payment is made, the vendor must invoice the state agency for such interest.

(b) The rate of interest paid by the agency on undisputed bills not paid within 30 days shall be one *and one-half* percent per month or any part thereof.

(c) All interest penalties and collection costs must be paid from the agency's current operating budget. No agency may seek to increase its appropriation for the purpose of obtaining funds to pay interest penalties or collection costs.

(d) Any vendor who prevails in a civil action to collect interest penalties from a state agency shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the actions.

(e) No interest penalties may accrue against an agency that delays payment of a bill due to a disagreement with the vendor; provided, that the dispute must be settled within 30 days after the bill became overdue. Upon the resolution of the dispute, the agency must pay the vendor accrued interest on all proper invoices for which payment was not received within the applicable time limit contained in subdivision 3.

(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor.

Sec. 3. Minnesota Statutes 1984, section 16A.124, is amended by adding a subdivision to read:

Subd. 5a. [UNIVERSITY OF MINNESOTA; PAYMENT OF INTEREST ON LATE PAYMENTS AUTHORIZED.] The university of Minnesota may comply with the requirements of subdivision 5.

Sec. 4. Minnesota Statutes 1984, section 16A.124, subdivision 8, is amended to read:

Subd. 8. [APPLICABILITY.] Subdivisions 1 to 7 apply to all agency purchases, leases, rentals, and contracts for services, including construction and remodeling contracts, except for purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees.

Sec. 5. [471.425] [PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings here given them.

(a) "Contract" means any written legal document or documents signed by both parties in which the terms and conditions of any interest or other penalty for late payments are clearly stated.

(b) "Date of receipt" means the completed delivery of the goods or services or the satisfactory installation, assembly or specified portion thereof, or the receipt of the invoice for the delivery of the goods or services, whichever

is later.

(c) "Governing board" means the elected or appointed board of the municipality and includes, but is not limited to, city councils, town boards and county boards.

(d) "Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision or agency of local government. "Municipality" means the metropolitan council or any board or agency created under chapter 473.

Subd. 2. [PAYMENT REQUIRED.] A municipality must pay each vendor obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period unless the municipality in good faith disputes the obligation. Standard payment period is defined as follows:

(a) For municipalities who have governing boards which have regularly scheduled meetings at least once a month, the standard payment period is defined as within 30 days of the date of receipt.

(b) For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as within 15 days of the first regularly scheduled meeting of the governing board after the date of receipt. The standard payment period shall not exceed 45 days.

(c) For joint powers organizations organized under section 471.59, the standard payment period is within 45 days of the date of receipt.

Subd. 3. [INVOICE ERRORS.] If an invoice is incorrect, defective or otherwise improper, the municipality must notify the vendor within 30 days of the date of receipt. Upon receiving a corrected invoice from the vendor, the municipality must pay the obligation within the standard payment period defined in subdivision 2.

Subd. 4. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) Except otherwise provided in this section, a municipality shall calculate and pay interest to a vendor if the municipality has not paid the obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period as defined in subdivision 2. The standard payment period for a negotiated contract or agreement between a vendor and a municipality which requires an audit by the municipality before acceptance and payment of the vendor's invoice shall not be begun until the completion of the audit by the municipality.

(b) The rate of interest calculated and paid by the municipality on the outstanding balance of the obligation not paid according to the terms of the contract or during the standard payment period shall be one and one-half percent per month or part of a month.

(c) No interest penalties may accrue against a purchaser who delays payment of a vendor obligation due to a good faith dispute with the vendor regarding the fitness of the product or service, contract compliance, or any defect, error or omission related thereto. If such delay undertaken by the municipality is not in good faith, the vendor may recover costs and attorney's fees.

(d) The minimum monthly interest penalty payment that a municipality

shall calculate and pay a vendor for the unpaid balance for any one overdue bill of \$100 or more is \$10. For unpaid balances of less than \$100, the municipality shall calculate and pay the actual interest penalty due the vendor.

Subd. 5. [APPLICABILITY.] This section applies to all goods, leases and rents, and contracts for services, construction, repair and remodeling. Purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees are not subject to this section.

Sec. 6. [EFFECTIVE DATE.]

Section 2 is effective for purchases and contracts entered into on or after January 1, 1986."

Amend the title as follows:

Page 1, line 2, after "local" insert "and state"

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1984, section 16A.124, subdivisions 1, 5, and 8, and by adding a subdivision;"

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. 1288: A bill for an act relating to agricultural resource loan guaranty program; modifying the terms of the state's guaranty; permitting purchases of private guarantees; repealing the authority to issue state general obligation bonds; authorizing the issuance of revenue bonds; restricting the use of tax increments; appropriating money; amending Minnesota Statutes 1984, sections 41A.01; 41A.02, subdivisions 5, 7, 8, and by adding a subdivision; 41A.03, subdivisions 1, 3, and by adding a subdivision; 41A.04, subdivisions 1 and 3; 41A.05, subdivisions 1, 2, 3, and by adding a subdivision; and 41A.06, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapter 41A; repealing Laws 1984, chapter 502, article 10, section 12.

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

Page 10, line 35, delete "(1)" and insert "(a)"

Page 11, line 11, delete "subaccount" and insert "account"

Page 11, line 22, delete "(a)" and insert "(1) the"

Page 11, line 24, delete "(b)" and insert "(2) the"

Page 11, line 27, delete "(2)" and insert "(b)"

Page 11, line 35, delete "(3)" and insert "(c)"

Page 13, line 31, delete "agriculture" and insert "energy and economic development"

Page 14, delete lines 2 to 11 and insert:

“\$_____ is appropriated from the general fund to the commissioner of energy and economic development:

(a) for deposit into the agricultural resource loan guaranty fund to be available until expended;

(b) for administration of the agricultural resource loan guaranty program in the fiscal years indicated.

1986
\$_____

1987
\$_____

The approved complement is 1.5.”

Page 14, delete section 19

Page 14, line 19, delete “20” and insert “19”

Renumber the sections in sequence

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

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

S.F. No. 1270: A bill for an act relating to energy; energy assistance; establishing eligibility standards for heating assistance and weatherization; providing that assistance shall be based on actual heating costs; allocating funds for the weatherization program; amending Minnesota Statutes 1984, section 268.37, subdivisions 3, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Page 1, delete lines 19 to 27

Delete pages 2 and 3

Page 4, delete lines 1 to 6

Page 4, line 11, delete “and”

Page 4, line 12, delete “comment on”

Page 4, delete section 5

Page 4, line 36, strike “Weatherization assistance shall be given to”

Page 5, strike lines 1 and 2

Page 5, line 3, strike “and budget poverty guidelines.”

Page 5, line 4, after “be” insert “the same as”

Page 5, line 4, delete “described in section 2”

Page 5, after line 22, insert:

“Sec. 5. [PILOT PROJECT ON USING ACTUAL HEATING COSTS

TO CALCULATE BENEFITS.]

The energy assistance official shall plan and implement a pilot project to evaluate the feasibility of basing heating assistance benefit calculations on a household's actual heating costs. The official shall compare benefit levels using actual heating costs with benefit levels using average heating costs. The official shall evaluate and recommend methods to minimize the administrative costs of basing benefit levels on actual heating costs. The official shall report to the legislature by January 1, 1987."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to energy; energy assistance; requiring certain reports to the legislative commission on energy; providing that eligibility standards for energy assistance and weatherization shall be the same; amending Minnesota Statutes 1984, section 268.37, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapter 268."

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

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

S.F. No. 1324: A bill for an act relating to economic security; defining temporary housing; deleting a sunset provision; requiring certain followup information on persons assisted; appropriating money; amending Minnesota Statutes 1984, section 268.38, subdivisions 1, 2, 6, 7, and 8.

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

Page 2, lines 28 to 30, delete the new language

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

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

S.F. No. 962: A bill for an act relating to energy; extending certain residential energy credits; providing an energy investment tax credit for businesses; authorizing rules; amending Minnesota Statutes 1984, section 290.06, subdivision 14, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 1, line 13, delete " , in consultation with the"

Page 1, delete line 14

Page 1, line 15, delete "marshall,"

Page 1, line 16, after the first "for" insert "the efficiency of"

Page 1, line 16, delete everything after "equipment" and insert a period

Page 1, delete lines 17 to 21

Page 1, line 22, delete the paragraph coding

Page 1, line 24, after the period, insert "*The commissioner shall also adopt rules prescribing minimum performance standards that equipment must meet in order to be certified as eligible for the tax credit under section 290.06, subdivision 14, or section 4. The performance standards must establish a level of efficiency and a minimum useful life for each type of equipment. The commissioner shall require, and prescribe the form and contents of, an annual post-installation report to be submitted to the commissioner for each project certified as eligible, for at least the first five years following installation.*"

The director of the pollution control agency shall adopt rules establishing air quality standards for combustion equipment by September 1, 1986. The state fire marshal shall adopt rules governing the safety of combustion equipment by September 1, 1986. The director of the pollution control agency and the state fire marshal shall coordinate their rule-making activities with one another and with the department of energy and economic development."

Page 1, line 26, after "section" insert "290.06, subdivision 14, and sections" and after "1" insert "and 4,"

Page 2, line 2, delete "BIOMASS-DERIVED SOLID PROCESSED" and insert "BIOMASS"

Page 2, line 3, delete "Biomass-derived solid processed" and insert "Biomass"

Page 2, line 5, after "briquettes," insert "agriculture residue including cornstalks, corncobs, oat straw, and other crop residue,"

Page 2, line 5, delete "dry"

Page 2, line 7, delete "dedicated" and insert "designed primarily" and delete "the consumption of" and insert "burn"

Page 2, line 8, delete "prepared"

Page 2, line 8, after "include" insert "refuse, refuse-derived fuel, or"

Page 2, line 12, delete "biomass-derived solid processed" and insert "biomass"

Page 2, line 13, after "fuel" insert "and peat"

Page 3, line 30, delete "designed primarily for burning" and insert "as defined in section 2"

Page 3, delete line 31

Page 3, line 32, delete everything before the semicolon

Page 6, delete line 22

Page 6, line 23, delete "fuel and peat" and delete "which fails to" and insert "unless it"

Page 6, line 24, delete "meet" and insert "meets"

Page 7, line 10, after "equipment" insert ", as defined in section 2, and combustion equipment"

Page 7, line 11, delete "solid processed fuel and peat,"

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

S.F. No. 1190: A bill for an act relating to housing; providing for local and regional review and comment on housing programs; extending interest reduction program; amending Minnesota Statutes 1984, sections 462C.02, by adding subdivisions; 462C.03, subdivision 1, and by adding a subdivision; 462C.04, subdivision 2; 462C.09, subdivisions 2a and 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462C; repealing Minnesota Statutes 1984, sections 462.445, subdivision 13; and 462C.09, subdivision 2.

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

Page 3, line 12, delete "and"

Page 3, after line 12, insert:

"(h) an analysis of how the program will meet the needs of low and moderate income families; and"

Page 3, line 13, delete "(h)" and insert "(i)"

Page 9, line 10, delete "2" and insert "2a"

Page 9, after line 24, insert:

"Sec. 10. [462C.12] [MINNEAPOLIS/ST. PAUL HOUSING FINANCE BOARD; POWERS; JURISDICTION.]

Subdivision 1. [ESTABLISHMENT OF HOUSING BOARD RATIFIED.] The establishment of the Minneapolis/St. Paul housing finance board in accordance with a joint powers agreement entered into between the Minneapolis community development agency and the housing and redevelopment authority of the city of St. Paul, and accepted by the cities of Minneapolis and St. Paul under section 471.59, is ratified and approved.

Subd. 2. [POWERS.] The board is granted the following powers:

(a) The board may issue obligations and other forms of indebtedness under this section, subject to the terms and conditions set forth in the joint powers agreement, as may be from time to time amended.

(b) The board is authorized to exercise the powers conferred upon the cities of Minneapolis and St. Paul and their designated housing and redevelopment authorities, or the powers of an agency exercising the powers of a housing and redevelopment authority by chapters 462 and 462C and any other general or special law of the state of Minnesota relating to housing or housing finance. The powers which may be exercised by the board include, without limitation, the power to undertake and implement projects, developments, or

programs, the power to issue and sell obligations and other forms of indebtedness payable exclusively from the revenues of the programs, projects, or developments undertaken by the board, or any of the powers the Minnesota housing finance agency may exercise under chapter 462A, provided that the obligations and other forms of indebtedness may be sold upon terms and conditions as the board may from time to time determine. The board may exercise the powers conferred by this section only with respect to projects, programs, or developments within the corporate limits of the cities of Minneapolis and St. Paul, except as may be otherwise provided in a joint powers agreement entered into under section 471.59 between the board and any other city, housing and redevelopment authority, or port authority in the state of Minnesota.

(c) For the purposes of section 462C.09, the board may be authorized by the cities of Minneapolis and St. Paul, or by any other city with which the board enters into a joint powers agreement, to issue revenue bonds or obligations in an amount not to exceed the amount of bonds allocated by general or special law to such cities, or the board may issue mortgage credit certificates in lieu thereof.

Subd. 3. [JURISDICTION.] Notwithstanding any other provision of law, the territorial jurisdiction of the board shall extend to all of the area within the corporate limits of the cities of Minneapolis and St. Paul and shall for the purposes of any particular project, development, or program undertaken in whole or part for any other city include all of the area within the corporate limits of the city. For the purposes of any provision of law intended to apply within a particular jurisdiction, the provision shall be construed to apply to the entire area within the corporate limits of the cities of Minneapolis and St. Paul, together with the entire area within the corporate limits of any other city with which the board has entered into a joint powers agreement and on whose behalf a project, development, or program is undertaken or implemented, or on whose behalf obligations or other forms of indebtedness are issued by the board.

Subd. 4. [POWERS SUPPLEMENTARY.] The powers granted by this section are in addition and supplemental to the powers granted by section 471.59, or the law under which a project, development, or program is undertaken or implemented by the board, or under which the board issues obligations or other forms of indebtedness.

Sec. 11. [TAX STATUS OF PROPERTY MANAGED BY MINNEAPOLIS COMMUNITY DEVELOPMENT AGENCY.]

Any property that is under the direct management and control of, but is not owned by, the Minneapolis community development agency, and is used in a manner authorized and contemplated by Minnesota Statutes, chapter 462, and for which the agency is eligible for assistance payments under federal law, is public property used for essential public and governmental purposes, and such property and the agency is exempt from all taxes and special assessments of the city, the county, the state, or any political subdivision of the state in the same manner as property referred to in Minnesota Statutes, section 462.575, subdivision 1. Payments in lieu of taxes for the property shall remain as provided in Minnesota Statutes, section 273.68 or 462.575, subdivision 3."

Page 9, after line 30, insert:

"Section 10 is effective the day after compliance by the governing bodies of the cities of Minneapolis and St. Paul with the provisions of Minnesota Statutes, section 645.021, subdivision 3. Section 11 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the city council of the city of Minneapolis."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "ratifying the Minneapolis/St. Paul housing finance board established under a joint powers agreement; clarifying tax status of public housing property managed by the Minneapolis community development agency;"

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

H.F. No. 265: A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1984, section 60A.13, is amended by adding a subdivision to read:

Subd. 8. [ANNUAL REPORTS; LIQUOR LIABILITY INSURERS.] Each insurer licensed to write property and casualty insurance in this state, as a supplement to the annual statement required by this section, shall submit a report on a form furnished by the commissioner showing its direct writings on liquor liability insurance in this state.

The supplemental report must be submitted by May 1 of each year and must include the following data for the previous year ending on December 31:

- (1) direct premiums written;*
- (2) net investment income;*
- (3) incurred claims, developed as the sum of the following itemized amounts:*
 - (a) dollar amount of claims closed with payment, plus*
 - (b) reserves for reported claims at the end of the current year, minus*
 - (c) reserves for reported claims at the end of the previous year, plus*
 - (d) reserves for incurred but not reported claims at the end of the previous year, minus*
 - (e) reserves for incurred but not reported claims at the end of the previous year, plus*

(f) reserves for loss adjustment expense at the end of the current year, minus

(g) reserves for loss adjustment expense at the end of the previous year;

(4) actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, general office expenses, taxes, licenses and fees, and all other expenses;

(5) net underwriting gain or loss;

(6) net operation gain or loss, including net investment income; and

(7) actual claims paid, including the name of the insured, the amount of the claim, and the authority that issues its license.

The first report shall cover the year 1985. The commissioner shall annually compile and review all reports submitted by insurers pursuant to this section. These filings shall be published and made available to any interested person. The commissioner shall annually compile the information collected under clause (7) and distribute it to every licensing authority named under clause (7) and the commissioner of public safety.

Sec. 2. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 16. "Uninsured motor vehicle" means a motor vehicle or motorcycle for which a plan or reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect.

Sec. 3. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 17. "Uninsured motorist coverage" means coverage for the protection of persons insured thereunder who are legally entitled to recover damages, because of bodily injury, from owners or operators of uninsured motor vehicles and motor vehicles or motorcycles whose owner or operator cannot be identified.

Sec. 4. Minnesota Statutes 1984, section 65B.43, is amended by adding a subdivision to read:

Subd. 18. "Underinsured motorist coverage" means coverage for the protection of persons insured thereunder who are legally entitled to recover damages, because of bodily injury, from owners or operators of motor vehicles or motorcycles, but which damages are uncompensated because the total damages exceed the bodily injury liability limit applicable to the other vehicle.

Sec. 5. Minnesota Statutes 1984, section 65B.49, subdivision 4, is amended to read:

Subd. 4. [UNINSURED OR HIT-AND-RUN MOTOR VEHICLE AND UNDERINSURED MOTORIST COVERAGE.] (1) No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless uninsured motorist coverage ~~is and underinsured motorist coverage are~~ provided therein or supplemental thereto, in the amounts for each of these two coverages, of \$25,000 because of injury to or the death of

one person in any accident, and subject to the said limit for one person, \$50,000 because of bodily injury to or the death of two or more persons in any one accident; for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of injury.

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured motor vehicle motorist coverage and underinsured motorist coverage as provided in this subdivision.

(3) "Uninsured motor vehicle" means any motor vehicle or motorcycle for which a plan of reparation security meeting the requirements of sections 65B.41 to 65B.71 is not in effect.

(4) No recovery shall be permitted under the uninsured motor vehicle provisions of this section or underinsured motorist coverage for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible."

Page 3, after line 14, insert:

"Sec. 7. Minnesota Statutes 1984, section 340.11, is amended by adding a subdivision to read:

Subd. 21a. [NOTIFICATION BY INSURER OF STATUS OF CLAIM.] An insurer who is providing coverage required by subdivision 21 shall inform the insured of the status of any claims made under the policy. The information must include:

(1) the employees of the insured that may be involved and the nature of their involvement;

(2) any amount paid in the disposition of the claim; and

(3) any amount paid in the defense of the claim.

This subdivision does not require disclosure of otherwise nondiscoverable information to an adverse party in litigation.

Sec. 8. Minnesota Statutes 1984, section 340.11, subdivision 23, is amended to read:

Subd. 23. [ASSIGNED RISK PLAN.] (1) The purpose of the assigned risk plan is to provide coverage required by subdivision 21 to persons rejected pursuant to this subdivision.

(2) An insurer that refuses to write the coverage required by subdivision 21 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety and with the assigned risk plan at the time of application for coverage under the plan.

(3) The commissioner of commerce may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or

vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

(4) The commissioner of commerce may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of commerce determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multi-peril, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

(5) Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by subdivision 21 or the local governing unit.

(6) Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

(7) Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of commerce. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of commerce shall fix the compensation received by the agent of record.

(8) The commissioner of commerce shall adopt rules, including emergency rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of commerce regarding operation of the plan; and

(c) applicable rating plans and rating standards.

(9) A liquor vendor may be denied or terminated from coverage through the assigned risk plan if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor.

Sec. 9. Minnesota Statutes 1984, section 340.12, is amended to read:

340.12 [APPLICATION FOR LICENSE.]

Every person desiring a license from the commissioner of public safety, shall file with him a verified written application in the form prescribed by the commissioner. All applicants for manufacturer's and wholesaler's licenses to sell intoxicating liquor shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$10,000, according to the character of the license, made payable to the state of Minnesota. All applicants for a license to sell intoxicating

liquors on any railroad train or other common carrier shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$1,000. All manufacturers and wholesalers of wines containing not more than 25 percent of alcohol by weight and manufacturers and wholesalers of beer containing more than 3.2 percent of alcohol by weight shall file with the commissioner of public safety a bond with corporate surety to be approved by the commissioner of public safety before granting the license or cash or United States government bonds in the sum of \$5,000.

Every person desiring a license from a local governing body shall file with the clerk of the municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, with the executive director thereof, a verified written application in the form prescribed by the commissioner with the additional information the local governing body requires. An applicant for an "off sale" license shall file with the clerk of the proper municipality a bond with corporate surety or cash or United States government bonds in a sum not less than \$1,000 and not more than \$3,000 as the local governing body of such municipality determines. The bond shall be approved by the local governing body and the commissioner of public safety.

Every application for the issuance or renewal of a license for the sale of intoxicating or nonintoxicating liquor must include a copy of each notice received by the applicant under section 340.951 during the preceding year.

An applicant for an "on sale" license shall file with the clerk of the proper municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, with the executive director thereof, a bond with corporate surety or cash or United States government bonds in a sum not less than \$3,000 nor more than \$5,000 as the local governing body of such municipality determines. The bond shall be approved by the local governing body.

A liability insurance policy required by section 340.11, subdivision 21 shall provide that it may not be canceled for any cause either by the insured or the insurance company without first giving ten days' notice to the municipality in writing of intention to cancel it, addressed to the city clerk of the municipality, or in the case of a public corporation organized and existing under sections 473.601 to 473.679, to the executive director thereof. The operation of an "off sale" or "on sale" business without having on file at all times with the municipality the liability insurance policy herein referred to shall be grounds for immediate revocation of the license.

Bonds of manufacturers, wholesalers, and common carriers shall run to the state of Minnesota. Bonds of "on sale" and "off sale" retail dealers shall run to the municipality in which the license is issued. The bonds shall be conditioned as follows:

As to manufacturers, wholesalers and common carriers:

- (a) That the licensee will obey the law relating to the licensed business;
- (b) That the licensee shall pay to the state when due all taxes, license fees, penalties and other charges payable by him under this act or any other law relating to the manufacture, distribution, or sale of intoxicating liquor;

(c) That in the event of any violation of the provisions of law, the bond shall be forfeited to the state of Minnesota as hereinafter provided.

As to "off sale" and "on sale" dealers:

(a) That the licensee will obey the law relating to the licensed business;

(b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law;

(c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, the bond or policy shall be forfeited to the municipality in which the license was issued.

All bonds shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of any bond for violation of law, the district court of the county wherein the licensed business was carried on may forfeit the penal sum of the bond, or any part thereof, to the state or municipality named as obligee in the bond.

Sec. 10. Minnesota Statutes 1984, section 340.135, is amended to read:

— 340.135 [LICENSES; REVOCATION; SUSPENSION.]

The authority issuing or approving any license or permit pursuant to the intoxicating liquor act ~~may~~ *shall* either suspend for not to exceed 60 days or revoke such license or permit *or impose a civil fine not to exceed \$2,000 for each violation* upon a finding that the licensee or permit holder has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee or permit holder has been afforded an opportunity for a hearing pursuant to sections 14.57 to 14.70.

Sec. 11. Minnesota Statutes 1984, section 340.95, is amended to read:

340.95 [INJURIES CAUSED BY INTOXICATION, CIVIL ACTIONS.]

Subdivision 1. [CAUSE OF ACTION.] Every husband, wife, child, parent, guardian, employer, or other person who is injured in person or property, or means of support, or incurs other pecuniary loss by any intoxicated person, or by the intoxication of any person, has a right of action, in his own name, against any person who, by illegally selling or bartering intoxicating liquors or non-intoxicating malt liquors, caused the intoxication of that person, for all damages sustained. All damages recovered by a minor under this section shall be paid either to the minor or to his parent, guardian, or next friend, as the court directs. All suits for damages under this section shall be by civil action in any court of this state having jurisdiction. Actions for damages based upon liability imposed by this section shall be governed by section 604.01. ~~The provisions of section 604.01, as applied under this section, do not apply to actions for injury to person, property, or loss of means of support brought by a husband, wife, child, parent, guardian or other dependent of an intoxicated person.~~

Subd. 2. [SUBROGATION CLAIMS DENIED.] *There shall be no recovery by any insurance company against any liquor vendor under subrogation clauses of the uninsured, underinsured, collision, or similar provisions of a motor vehicle insurance policy as a result of payments made by the company*

to persons who have claims that arise in whole or part under this section. The provisions of section 65B.53, subdivision 3, do not apply to actions under this section.

Sec. 12. Minnesota Statutes 1984, section 340.951, is amended to read:

340.951 [NOTICE OF INJURY; DISCOVERY BEFORE ACTIONS.]

Subdivision 1. [NOTICE REQUIRED.] Every person who claims damages, and every person or his insurer who claims contribution or indemnity, from any municipality owning and operating a municipal liquor store or from the licensee of any licensed establishment for the sale of intoxicating liquor or non-intoxicating malt liquor for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee, as the case may be, stating:

(1) The time and date when, and person to whom the liquor was sold or bartered;

(2) The name and address of the person or persons who were injured or whose property was damaged;

(3) The approximate time and date and the place where any injury to person or property occurred. Every municipality or licensee who claims contribution or indemnification from any other licensee or municipality shall give a written notice in the form and manner specified in this section to the other municipality or licensee.

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless the error or omission is of a substantially material nature.

In the case of claims for contribution or indemnity this notice shall be served within 120 days after the injury occurs, or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable, and no action for contribution or indemnity therefor shall be maintained unless the notice has been given. In the case of a claim for damages the notice shall be served by the claimant's attorney within 120 days of the date of entering an attorney-client relationship with the person in regard to the claim, and no action for damages shall be maintained unless the notice has been given.

If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

No action shall be maintained for injury under section 340.95 unless commenced within two years after the injury.

Subd. 2. [EARLY DISCOVERY.] To aid claimants in providing accurate notice of claim to a liquor vendor, a person who claims damages pursuant to section 340.95 may subpoena any person or use any discovery method pro-

vided for in the Minnesota Rules of Civil Procedure prior to the commencement of an action on behalf of claimants. The discovery is inadmissible in any other pending or subsequent criminal matter, including implied consent hearings."

Page 3, delete line 16 and insert:

"Section 6 is effective the day following final enactment. Section 11 is effective July 1, 1985, and applies to causes of action arising on or after that date."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to commerce; requiring annual reports from liquor liability insurers; providing for uninsured and underinsured motorist coverage; authorizing annual aggregate policy limits for dramshop insurance; providing for practices and procedures related to dramshop actions; amending Minnesota Statutes 1984, sections 60A.13, by adding a subdivision; 65B.43, by adding subdivisions; 65B.49, subdivision 4; 340.11, subdivisions 21 and 23, and by adding a subdivision; 340.12; 340.135; 340.95; and 340.951."

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

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

S.F. No. 327: A bill for an act relating to watercraft; requiring titling for certain watercraft; regulating perfection of security interests in watercraft; proposing coding for new law as Minnesota Statutes, chapter 361A.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 336.9-302, is amended to read:

336.9-302 [WHEN FILING IS REQUIRED TO PERFECT SECURITY INTEREST; SECURITY INTERESTS TO WHICH FILING PROVISIONS OF THIS ARTICLE DO NOT APPLY.]

(1) A financing statement must be filed to perfect all security interest except the following:

(a) A security interest in collateral in possession of the secured party under section 336.9-305;

(b) A security interest temporarily perfected in instruments or documents without delivery under section 336.9-304 or in proceeds for a 20 day period under section 336.9-306;

(c) A security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) A purchase money security interest in consumer goods; but filing is

required for a motor vehicle required to be registered; and fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 336.9-313;

(e) An assignment of accounts which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts of the assignor;

(f) A security interest of a collecting bank (section 336.4-208) or in securities (section 336.8-321) or arising under the article on sales (see section 336.9-113) or covered in subsection (3) of this section;

(g) An assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this article is not necessary or effective to perfect a security interest in property subject to the following statutes or treaties; except that to the extent such statutes or treaties are silent on a specific matter, the provisions of this article shall govern:

(a) a statute or treaty of the United States which provides for a national or international registration or a national or international certificate of title or which specifies a place of filing different from that specified in this article for filing of the security interest; or

(b) the following statutes of this state;

(i) Sections 168A.01 to 168A.31 and sections 2 to 22; but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of this article (part 4) apply to a security interest in that collateral created by him as a debtor; or

(ii) Sections 300.11 to 300.115.

(c) a certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection (subsection (2) of section 336.9-103).

(4) Compliance with a statute or treaty described in subsection (3) is equivalent to the filing of a financing statement under this article, and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in section 336.9-103 on multiple state transactions. A security interest perfected by compliance with such a statute or treaty is governed by this article in all respects not inconsistent with the provisions of the statute or treaty under which it was perfected, provided that this article shall not be deemed inconsistent if it provides for a more extensive duration of effectiveness."

Page 1, line 12, delete "or" and after "selling," insert "or"

Page 1, line 13, delete " , and generally dealing in" and delete "and unused watercraft"

Page 1, line 14, delete " , or both"

Page 1, line 17, delete "*refers to*" and insert "*means*"

Page 1, lines 22 and 23, delete "*an employee*" and insert "*a person*"

Page 2, line 31, delete "*contrivance*" and insert "*device*"

Page 3, line 1, delete "*whose owner is*" and insert "*owned by*"

Page 3, line 4, delete "*less than 12 feet*" and insert "*14 feet or less*"

Page 3, line 16, after "*commissioner*" insert "*or deputy registrar*"

Page 3, line 31, delete "*dispose of*" and insert "*transfer*"

Page 4, line 15, delete "*20*" and insert "*21*"

Page 4, line 35, delete "*department*" and insert "*commissioner*"

Page 5, line 33, delete "*by it*" and insert "*under this section*"

Page 6, line 4, after the semicolon, insert "*or*"

Page 6, line 12, delete "*on*" and insert "*in*"

Page 7, line 4, delete the comma

Page 7, line 5, delete "*must be returned*"

Page 8, line 19, delete "*department*" and insert "*commissioner*"

Page 8, line 21, delete "*the purpose of*"

Page 8, lines 23 and 29, delete "*department*" and insert "*commissioner or deputy registrar*"

Page 9, line 1, before "*An*" insert "*(a) Except as provided in paragraph (b),*"

Page 9, line 9, delete "*; or*" and insert a period

Page 9, line 10, delete "*(3) if*" and insert "*(b) If*"

Page 9, line 11, delete "*is*" and insert "*was last*" and after the comma, insert "*the application must contain or be accompanied by:*"

(1)"

Page 9, line 14, delete everything after "*country*"

Page 9, line 15, delete everything before "*other*" and insert "*; and*"

(2) any"

Page 9, line 20, delete "*The owner*"

Page 9, line 21, after "*transferee*" insert "*, the owner*"

Page 9, line 25, delete "*department upon*" and insert "*commissioner or deputy registrar on*"

Page 9, lines 33 and 35, delete "*department*" and insert "*commissioner*"

Page 10, lines 12, 18, and 33, delete "*department*" and insert "*commissioner or deputy registrar*"

Page 10, line 27, delete everything after "*commissioner*"

Page 10, line 28, delete everything before "*may*"

Page 10, line 29, before the period, insert "*if the evidence provides satisfactory proof of ownership*"

Page 11, line 2, after "*commissioner*" insert "*or deputy registrar*"

Page 11, line 6, delete "21" and insert "60"

Page 11, line 7, delete "*attached to*" and insert "*carried aboard*"

Page 11, lines 10 and 13, before "*deputy*" insert "*commissioner or*"

Page 11, line 12, delete "*she or he*" and insert "*the dealer*"

Page 11, line 22, delete "*department*" and insert "*commissioner*"

Page 11, line 32, delete "3" and insert "4"

Page 12, lines 5 and 27, delete "*department*" and insert "*commissioner*"

Page 12, line 21, delete "9" and insert "10"

Page 13, line 13, before "*rules*" insert "*following*" and delete "*in clauses (1)*"

Page 13, line 14, delete "*and (2)*" and after "*apply*" delete the period and insert a colon

Page 13, lines 16 and 17, delete "*his or her*" and insert "*the*"

Page 13, line 32, delete "*department*" and insert "*commissioner*"

Page 14, lines 10, 14, and 17, delete "*department*" and insert "*commissioner*"

Page 14, line 19, delete "*his or her*" and insert "*the*"

Page 14, line 34, delete "10" and insert "11"

Page 15, line 15, delete "*department*" and insert "*commissioner*"

Page 15, line 23, delete "*his or her*" and insert "*the*"

Page 15, line 31, delete "*department, which*" and insert "*commissioner, who*"

Page 16, line 8, delete "*department*" and insert "*commissioner*"

Page 16, line 10, delete "*department, which*" and insert "*commissioner, who*"

Page 16, lines 15 and 16, delete "*his or her*" and insert "*the*"

Page 16, line 34, delete "*department*" and insert "*commissioner*"

Page 17, line 6, delete "*the department*"

Page 17, line 16, delete "*DEPARTMENT*" and insert "*COMMISSIONER*" and delete "*department*" and insert "*commissioner*"

Page 17, lines 20 and 26, delete "*department*" and insert "*commissioner*"

Page 18, lines 18, 25, and 28, delete "*department*" and insert "*commissioner or deputy registrar*"

Page 18, line 20, delete "*his or her*" and insert "*a*"

Page 18, line 30, delete "\$2" and insert "\$3"

Page 19, lines 10, 24, and 27, delete "*department*" and insert "*commissioner*"

Page 19, line 24, delete "*20*" and insert "*21*"

Page 19, line 28, delete "*1*" and insert "*2*" and delete "*20*" and insert "*21*"

Page 19, line 30, delete "*21*" and insert "*22*"

Page 19, line 30, delete "*September 1, 1986*" and insert "*January 1, 1987*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "*amending Minnesota Statutes 1984, section 336.9-302,*"

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. 1013: A bill for an act relating to collection and dissemination of data; classifying government data as confidential, private, nonpublic, protected nonpublic, and public; clarifying issues relating to classifications of data, access to data, and classifications of inactive investigative data; refining provisions of the data practices act; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding a subdivision; 13.32, subdivision 1; 13.37, subdivision 2; 13.39, by adding a subdivision; 13.46, subdivisions 3 and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, by adding subdivisions; 13.84, subdivisions 1 and 6; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1984, sections 13.73 and 13.81.

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

Page 1, line 24, strike "*if the person requests, he*" and insert "*, upon request,*"

Page 1, line 25, after the period, insert "*The responsible authority may not require the requesting person to pay a fee to inspect data.*"

Page 1, line 31, strike "*he*" and insert "*, copies*" and strike "*supply*"

Page 2, line 1, strike "*copies*" and insert "*be supplied*"

Page 2, line 30, delete "*NONPUBLIC*" and insert "*NOT PUBLIC*"

Page 2, line 34, delete "*which*" and insert "*that*"

Page 3, line 2, delete "*or not*"

Page 3, line 6, delete "*In addition, if necessary,*" and insert "*If the data are discoverable*" and delete "*then*"

Page 3, line 7, delete "*consider and*"

Page 3, line 12, after the period, insert "*In making the decision, the pre-*

siding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given."

Page 3, after line 14, insert:

"Sec. 3. Minnesota Statutes 1984, section 13.08, is amended by adding a subdivision to read:

Subd. 5. [IMMUNITY FROM LIABILITY.] A state agency, statewide system, political subdivision, or person that releases not public data pursuant to an order under section 2 is immune from civil and criminal liability.

Sec. 4. Minnesota Statutes 1984, section 13.09, is amended to read:

13.09 [PENALTIES.]

Any person who willfully violates the provisions of sections ~~13.02 to 13.09~~ *this chapter* or any lawful rules and regulations promulgated ~~thereunder adopted under this chapter~~ is guilty of a misdemeanor. Willful violation of sections ~~13.02 to 13.09~~ *this chapter* by any public employee constitutes just cause for suspension without pay or dismissal of the public employee."

Page 4, line 7, after "receive" insert "shared time"

Page 4, line 26, delete "which" and insert "that," and after "disclosed" insert a comma

Page 4, line 31, strike "which" and insert "that"

Page 5, line 3, delete "which contain"

Page 5, line 4, delete "data which" and insert "that" and after "public" insert "data" and delete "statutes, other than"

Page 5, line 5, delete "this section and federal" and insert "other"

Page 5, line 12, delete everything after the first "action" and insert a semicolon

Page 5, delete lines 13 to 15

Page 5, line 23, delete "or a" and insert a period

Page 5, delete line 24 and insert:

"Sec. 8. Minnesota Statutes 1984, section 13.43, subdivision 4, is amended to read:

Subd. 4. All other personnel data is private data on individuals, except but may be released pursuant to a valid court order.

Sec. 9. Minnesota Statutes 1984, section 13.46, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "Individual" means an individual pursuant to section 13.02, subdivision 8, but does not include a vendor of services.

(b) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law.

(c) "Welfare system" includes the department of human services, county

welfare boards, county welfare agencies, human services boards, community mental health center boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations, and other entities under contract to any of the above agencies to the extent specified in the contract.

(d) "Mental health data" means data on individual clients and patients of community mental health centers, established under section 245.62, or mental health divisions of counties and other providers under contract to deliver mental health services.

Sec. 10. Minnesota Statutes 1984, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

(a) (1) pursuant to section 13.05;

(b) (2) pursuant to court order;

(c) (3) pursuant to a statute specifically authorizing access to the private data;

(d) (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation, prosecution, criminal or civil proceeding relating to the administration of a program;

(e) (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(f) (6) to administer federal funds or programs;

(g) (7) between personnel of the welfare system working in the same program;

(h) (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(i) (9) to the Minnesota department of economic security for the purpose of monitoring the eligibility of the data subject for unemployment compensation or for any employment or training program administered by that agency, whether alone or in conjunction with the welfare system; or

(j) (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons; or

(11) data maintained by residential facilities as defined in section 245.782, subdivision 6, may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state.

is the legal guardian of the person.

~~(b) Data on individual clients or patients of public or private community mental health centers, established by section 245.62, or mental health divisions of counties and other providers under contract to deliver mental health services Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10; paragraph (b)."~~

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

Page 6, after line 7, insert:

"Sec. 12. Minnesota Statutes 1984, section 13.46, subdivision 7, is amended to read:

Subd. 7. [MENTAL HEALTH CENTER DATA.] ~~(a) Data on individual clients and patients of public or private community mental health centers or mental health divisions of counties and other providers under contract to deliver mental health services~~ Mental health data shall not be disclosed, except:

~~(a)~~ (1) pursuant to section 13.05, as determined by the responsible authority for the community mental health center, mental health division, or provider;

~~(b)~~ (2) pursuant to court order; or

~~(c)~~ (3) pursuant to a ~~statutes~~ statute specifically authorizing access to or disclosure of ~~private~~ mental health data; or

(4) with the consent of the client or patient.

(b) An agency of the welfare system may not require an individual to consent to the release of mental health data as a condition for receiving services or for reimbursing a community mental health center, mental health division of a county, or provider under contract to deliver mental health services."

Page 6, line 10, before "Notwithstanding" insert "(a)"

Page 6, line 14, strike "(a)" and insert "(1)"

Page 6, line 17, strike "(b)" and insert "(2)"

Page 6, line 19, strike "(c)" and insert "(3)"

Page 6, line 22, strike "(d)" and insert "(4)"

Page 6, line 27, before "A" insert "(b)"

Page 6, line 29, after "public" insert "data"

Page 6, line 35, after "trust" insert ", association of Minnesota counties insurance trust, or by the Minnesota school board association insurance trust"

Page 6, line 36, delete the comma

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

Page 7, line 2, delete ", pursuant"

Page 7, line 3, delete everything before "in" and delete "where" and insert "when"

Page 7, line 6, delete "*other than the*" and insert "*not a*"

Page 7, lines 8 and 9, delete "*or not*"

Page 7, lines 9, 11, 12, and 14, delete "*or not*"

Page 7, line 29, delete everything before "*The*"

Page 7, line 32, delete everything before the colon and insert "*data*"

Page 7, line 34, delete "*which*" and insert "*that*"

Page 8, line 1, delete "*which*" and insert "*that*" and delete "*which pertains*" and insert "*that pertain*"

Page 8, line 5, delete "*and*"

Page 8, line 6, delete "*which*" and insert "*that*"

Page 8, line 7, delete the period and insert "*; and*"

Page 8, after line 7, insert:

"(5) correspondence between the program administrators and the applicant until the application has been approved or disapproved."

Page 8, delete lines 8 to 18

Page 8, line 24, strike everything after "*private*"

Page 8, line 25, strike "*subdivision 12*" and insert "*data on individuals*"

Page 9, line 18, strike everything after "*data*"

Page 9, line 19, strike "*subdivision 12*"

Page 9, line 21, delete "*which*" and insert "*that*"

Page 9, line 24, delete "*, pursuant*" and insert a period

Page 9, delete line 25

Page 9, line 28, delete "*statement*" and insert "*statements*"

Page 9, line 32, delete "*, pursuant to*" and insert a period

Page 9, delete line 33

Page 9, line 34, delete "*Code*"

Page 9, line 35, delete "*numbers which*" and insert "*Data that could*" and delete "*companies responding*" and insert "*a company that responded*"

Page 10, delete line 1

Page 10, line 2, delete "*a particular company*" and delete "*, pursuant*" and insert a period

Page 10, delete line 3

Page 10, line 12, delete "*, pursuant to section 13.02, subdivision 13*"

Page 10, line 16, delete "*carrier*"

Page 10, line 17, after "*vehicle*" insert "*carrier*" and delete "*for*"

Page 10, line 19, delete "*pursuant to*"

Page 10, line 20, delete everything before "with"

Page 10, lines 21 and 22, delete ", pursuant to section 13.02, subdivision 12,"

Page 10, lines 27 and 28, delete "which" and insert "that"

Page 10, line 30, delete ", pursuant to section 13.02, subdivision 13,"

Page 10, line 31, delete the second comma

Page 10, line 32, delete "pursuant to section 13.02, subdivision 3,"

Page 11, line 2, delete "which" and insert "that"

Page 11, line 5, delete "and the Indian business"

Page 11, line 6, delete "development loan program"

Page 11, lines 7 and 8, delete ", pursuant to section 13.02, subdivision 12"

Page 11, line 9, delete ", pursuant to section 13.02, subdivision 9"

Page 11, after line 9, insert:

"Sec. 22. [13.761] [INDIAN AFFAIRS COUNCIL DATA.]

All financial information on individuals and business entities including, but not limited to, credit reports, financial statements, and net worth calculations, that are contained in applications received by the Indian affairs council in its administration of the Indian business development loan program are classified as private data with regard to data on individuals and as nonpublic data with regard to data not on individuals."

Page 11, lines 17 and 18, delete ", pursuant to section 13.02, subdivision 9,"

Page 11, line 25, delete ", pursuant to section 13.02, subdivision 12"

Page 11, line 27, delete everything before "Financial"

Page 11, line 34, delete "pursuant to section 13.02, subdivision 9" and insert "if it is data not on an individual and as private data if it is data on an individual"

Page 11, delete lines 35 and 36

Page 12, delete lines 1 to 6

Page 12, lines 8 in both places, 24, and 34, delete "which" and insert "that"

Page 12, line 11, delete the first "law" and insert "act" and delete everything after "or"

Page 12, line 12, delete everything before "are" and insert "section 181.75"

Page 12, line 13, delete "pursuant to section 13.02, subdivision 12"

Page 12, lines 17 and 18, delete "pursuant to section 13.02, subdivision 3," and insert "data"

Page 12, line 20, delete "courts" and insert "court"

Page 12, line 27, after "private" insert "data on individuals" and after "nonpublic" insert "data"

Page 12, line 28, delete "specific" and insert "not public"

Page 12, line 34, delete "reward" and insert "rewards"

Page 13, line 11, delete "Information reflecting" and insert "Data that reflect"

Page 13, line 13, delete "is" and insert "are" and after "confidential" insert "data on individuals or protected nonpublic data"

Page 13, line 14, delete "which" and insert "that"

Page 13, line 15, after "for" insert "a"

Page 13, line 16, after "public" insert "data"

Page 13, delete section 24

Page 13, lines 26 and 30, strike "which is" and insert "that are"

Page 14, after line 22, insert:

"Sec. 33. Minnesota Statutes 1984, section 144.335, subdivision 2, is amended to read:

Subd. 2. [PATIENT ACCESS.] (a) Upon request a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

(b) Upon a patient's written request, a provider at a reasonable cost to the patient shall furnish to the patient: ~~(a)~~ (1) copies of the patient's health record, including but not limited to laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's health condition; ~~(b)~~, (2) the pertinent portion of the record relating to a specific condition; or ~~(c)~~ (3) a summary of the record.

(c) If a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to harm himself or another, he may withhold the information from the patient; *and may supply* the information ~~may be supplied~~ to an appropriate third party or to another provider, as defined in subdivision 1, clause (b) (1). The *other* provider or third party may release the information to the patient.

(d) *A provider as defined in subdivision 1, clause (b)(2), shall release information upon written request unless, prior to the request, a provider as defined in subdivision 1, clause (b)(1), has designated and described a specific basis for withholding the information as authorized by paragraph (c).*

Sec. 34. [144.658] [EPIDEMIOLOGIC DATA DISCOVERY.]

Notwithstanding any law to the contrary, health data on an individual collected by public health officials conducting an epidemiologic investigation to reduce morbidity or mortality is not subject to discovery in a legal action.

Sec. 35. Minnesota Statutes 1984, section 245.783, is amended by adding a subdivision to read:

Subd. 8. [DISSEMINATION OF DATA.] Data on clients and residents of facilities licensed pursuant to this section may be disseminated to the protection and advocacy system established in this state pursuant to Part C of Public Law 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person.

Sec. 36. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 11a. [DISCLOSURE OF INFORMATION NOT REQUIRED IN CERTAIN CASES.] When interviewing a minor under subdivision 10, an individual does not include the parent or guardian of the minor for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged perpetrator of the abuse or neglect.

Sec. 37. [GOVERNMENT DATA PRACTICES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "judiciary" means any office, officer, department, division, board, commission, committee, or agency of the courts of this state, whether or not of record, including but not limited to the board of law examiners, the lawyer's professional responsibility board, the board of judicial standards, the lawyer's trust account board, the state law library, the state court administrator's office, the district court administrator's office, and the office of the clerk of court.

Subd. 2. [APPLICATION.] The judiciary shall be governed by Minnesota Statutes, chapter 13, until August 1, 1987, or until the implementation of rules adopted by the supreme court regarding access to data, whichever comes first."

Page 14, line 27, delete "Sections 1 to 27 are" and insert "This act is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "13.08, by adding a subdivision; 13.09;"

Page 1, line 11, after the first semicolon, insert "13.43, subdivision 4;"

Page 1, line 11, after "subdivisions" insert "1, 2," and after "3" insert " , 7,"

Page 1, line 14, after the semicolon, insert "144.335, subdivision 2; 245.783, by adding a subdivision; and 626.556, by adding a subdivision;"

Page 1, line 15, delete "chapter" and insert "chapters" and after "13" insert "and 144"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 60, 1091, 1231, 1261, 1203, 1233, 847, 1357, 1191, 1036,

1008, 931, 710, 1118, 1356, 919, 1388, 979, 1003, 863, 1014, 857, 1033, 873, 1277, 274, 361, 1173, 236, 567, 391, 1375, 445, 1270 and 1013 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 85, 242, 362, 825, 516, 985, 1032, 796, 991, 379, 91, 1197, 1093, 645, 831, 982 and 245 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mr. Frank be added as a co-author to S.F. No. 31. The motion prevailed.

Mr. Lessard moved that the names of Messrs. Dicklich and Johnson, D.J. be added as co-authors to S.F. No. 344. The motion prevailed.

Mr. Davis moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 420. The motion prevailed.

Mr. Davis moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 598. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Merriam be added as a co-author to S.F. No. 643. The motion prevailed.

Mr. Dahl moved that the name of Mr. Willet be added as a co-author to S.F. No. 1341. The motion prevailed.

Mr. Merriam moved that the name of Mr. Nelson be added as a co-author to S.F. No. 1443. The motion prevailed.

Mr. Wegscheid introduced—

Senate Resolution No. 69: A Senate resolution extending congratulations to Tom Chung for taking top honors in the first state tournament of the Minnesota State High School Mathematics League.

Referred to the Committee on Rules and Administration.

Mrs. Lantry moved that S.F. No. 1169 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Willet moved that S.F. No. 1192 be withdrawn from the Committee on Finance, given its second reading and placed on General Orders. The motion prevailed.

S.F. No. 1192 was read the second time.

Mr. Stumpf moved that S.F. No. 1449 be withdrawn from the Committee on Education and re-referred to the Committee on Governmental Operations. The motion prevailed.

CALL OF THE SENATE

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

Mr. Taylor moved that Senate Resolution No. 31 be withdrawn from the Committee on Rules and Administration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that S.F. No. 295, No. 51 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

CALENDAR

S.F. No. 485: A bill for an act relating to commerce; franchises; providing for the assignment, transfer, or sale of a franchise under certain circumstances; providing certain equitable relief; amending Minnesota Statutes 1984, section 80C.14, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Benson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 82: A bill for an act relating to real property; requiring that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 152: A bill for an act relating to insurance; accident and health; providing for the extraterritorial application of mandated maternity benefits for unmarried women; amending Minnesota Statutes 1984, section 62A.041.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lessard	Peterson, D.L.	Spear
Belanger	Frederickson	Luther	Peterson, R.W.	Storm
Berglin	Freeman	McQuaid	Petty	Stumpf
Bertram	Gustafson	Mehrkins	Pogemiller	Taylor
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Jude	Moe, D.M.	Ramstad	Waldorf
Dahl	Knaak	Moe, R.D.	Reichgott	Wegscheid
Davis	Kroening	Novak	Renneke	Willet
DeCramer	Kronebusch	Olson	Samuelson	
Dicklich	Laidig	Pehler	Schmitz	
Diessner	Langseth	Peterson, C.C.	Sieloff	
Dieterich	Lantry	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Berg	Bernhagen	Isackson	Kamrath
Benson				

So the bill passed and its title was agreed to.

S.F. No. 568: A bill for an act relating to education; directing the commissioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivi-

sion.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Renneke
Belanger	Dieterich	Kronebusch	Olson	Samuelson
Benson	Frank	Laidig	Pehler	Schmitz
Berg	Frederick	Langseth	Peterson, C.C.	Sieloff
Bernhagen	Frederickson	Lantry	Peterson, D.L.	Solon
Bertram	Freeman	Lessard	Peterson, R.W.	Storm
Brataas	Gustafson	Luther	Petty	Stumpf
Chmielewski	Isackson	McQuaid	Pogemiller	Taylor
Dahl	Johnson, D.E.	Mehrkins	Purfeerst	Waldorf
Davis	Jude	Merriam	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R.D.	Reichgott	Willett

Those who voted in the negative were:

Anderson	Dicklich	Moe, D.M.	Spear	Vega
Berglin	Kamrath	Peterson, D.C.		

So the bill passed and its title was agreed to.

S.F. No. 448: A bill for an act relating to crimes; providing penalty for assault of firefighters or emergency medical services personnel; amending Minnesota Statutes 1984, section 609.2231.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 330: A bill for an act relating to public safety; permitting churches to display christmas trees with decorative lights; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam and Ms. Reichgott voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 728: A resolution memorializing the 100th anniversary of the birth of Harry S Truman, the 33rd President of the United States.

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

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

S.F. No. 127: A bill for an act relating to game and fish; authorizing big game licenses for nonresident students at resident fees; amending Minnesota Statutes 1984, section 98.45, subdivision 7.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frank	Lantry	Pehler	Purfeerst	Willet
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So the bill passed and its title was agreed to.

S.F. No. 359: A bill for an act relating to intoxicating liquor; increasing the maximum license fee for off-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, subdivision 14.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 437: A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; amending Minnesota Statutes 1984, section 61B.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 219: A bill for an act relating to transportation; restricting mowing of highway rights-of-way outside of cities; amending Minnesota Statutes 1984, section 160.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 160.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Luther	Peterson, R.W.	Spear
Berg	Gustafson	McQuaid	Petty	Stumpf
Berglin	Jude	Merriam	Pogemiller	Vega
Dahl	Knaak	Moe, D.M.	Purfeerst	Waldorf
Davis	Kroening	Moe, R.D.	Ramstad	Wegscheid
DeCramer	Kronebusch	Novak	Reichgott	Willett
Dicklich	Laidig	Olson	Samuelson	
Diessner	Langseth	Pehler	Schmitz	
Dieterich	Lantry	Peterson, C.C.	Sieloff	
Frank	Lessard	Peterson, D.C.	Solon	

Those who voted in the negative were:

Anderson	Bertram	Frederickson	Mehrkins	Taylor
Belanger	Brataas	Isackson	Peterson, D.L.	
Benson	Chmielewski	Johnson, D.E.	Renneke	
Bernhagen	Frederick	Kamrath	Storm	

So the bill passed and its title was agreed to.

S.F. No. 805: A bill for an act relating to human services; regulating long-term sheltered workshop; changing the effective date for long-term sheltered workshop evaluation criteria rules; amending Minnesota Statutes 1984, sections 129A.07, subdivision 1; and 129A.08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 129A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 798: A bill for an act relating to labor; independent school district No. 709; removing educational assistants from civil service; amending Laws 1967, chapter 252, section 2, as amended.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 676: A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Pehler voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 675: A bill for an act relating to highways; allowing road authorities to designate minimum-maintenance roads; exempting road authorities from liability for damages arising from travel on minimum-maintenance roads; amending Minnesota Statutes 1984, sections 160.02, subdivision 7; and 169.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 160.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Moe, D.M.	Samuelson
Anderson	DeCramer	Kamrath	Moe, R.D.	Schmitz
Belanger	Diessner	Kroening	Olson	Sieloff
Benson	Dieterich	Kronebusch	Peterson, C.C.	Solon
Berg	Frank	Laidig	Peterson, D.C.	Storm
Berglin	Frederick	Langseth	Peterson, R.W.	Stumpf
Bernhagen	Frederickson	Lantry	Petty	Taylor
Bertram	Freeman	Lessard	Purfeerst	Vega
Brataas	Gustafson	Luther	Ramstad	Waldorf
Chmielewski	Isackson	McQuaid	Reichgott	Wegscheid
Dahl	Johnson, D.E.	Mehrkens	Renneke	

Those who voted in the negative were:

Dicklich	Merriam	Pehler	Pogemiller	Willet
Knaak	Novak	Peterson, D.L.	Spear	

So the bill passed and its title was agreed to.

S.F. No. 468: A bill for an act relating to education; requiring an educational cooperative service unit to conduct a meeting annually to discuss issues of mutual concern and to facilitate coordination and cooperation; amending Minnesota Statutes 1984, section 123.58, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 126: A bill for an act relating to education; requiring post-secondary governing boards to develop procedures to facilitate the transfer of credit between institutions; proposing coding for new law in Minnesota Statutes, chapters 135A and 136.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 566: A bill for an act relating to civil procedure; providing for the treatment of certain foreign judgments; enacting the Uniform Foreign Country Money-Judgments Recognition Act; proposing coding for new law in Minnesota Statutes, chapter 548.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 281: A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; providing limitations on the payment of claims; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 563: A bill for an act relating to education; requiring the state board of vocational technical education to adopt policies about minimum class size and placement ratios; exempting certain monetary distributions from certain contract procedures; amending Minnesota Statutes 1984, sections 123.33, subdivision 14; 125.031; 136C.04, subdivisions 9 and 12; 136C.042, subdivision 1; 136C.26, subdivision 1; 136C.28, subdivision 1; and 136C.31; repealing Minnesota Statutes 1984, sections 125.055 and 136C.27, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 882: A bill for an act relating to commerce; clarifying submission of applications for directors and officers liability insurance; providing for the withdrawal of certain registration statements; broadening the securities transaction exemptions for isolated sales and limited offerings; repealing the securities transaction for preorganization offerings; simplifying an exemption from franchise registration; providing for disclosure of representation by

real estate brokers and salespersons; expanding those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 80C.03; 82.19, subdivision 3, and by adding a subdivision; 82.20, subdivision 4; 82.21, subdivision 1; 82.22, subdivision 10; 82.24, subdivision 4; 345.41; 345.42, subdivisions 1 and 3; and 515A.3-115; proposing coding for new law in Minnesota Statutes, chapter 82.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 597: A bill for an act relating to the city of North Mankato; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Schmitz
Anderson	Frederick	Langseth	Peterson, C.C.	Sieloff
Belanger	Frederickson	Lantry	Peterson, D.C.	Solon
Bernhagen	Freeman	Lessard	Peterson, D.L.	Storm
Bertram	Gustafson	Luther	Petty	Stumpf
Brataas	Isackson	McQuaid	Pogemiller	Taylor
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Dahl	Jude	Moe, D.M.	Ramstad	Waldorf
Davis	Kamrath	Moe, R.D.	Reichgott	Wegscheid
DeCramer	Kroening	Novak	Renneke	Willett
Dicklich	Kronebusch	Olson	Samuelson	

Those who voted in the negative were:

Benson
BergBerglin
DieterichFrank
KnaakMerriam
Peterson, R. W.

Spear

So the bill passed and its title was agreed to.

S.F. No. 70: A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 381: A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Benson, Berg and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 693: A bill for an act relating to crimes; providing for forfeitures of communications devices and proceeds derived from commission of designated offenses; amending Minnesota Statutes 1984, sections 152.19, subdivision 5; and 609.531.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 623: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1984, sections 518.552; and 518.64, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Pehler	Schmitz
Anderson	Frederick	Langseth	Peterson, C.C.	Sieloff
Belanger	Frederickson	Lantry	Peterson, D.C.	Solon
Berglin	Freeman	Luther	Peterson, R.W.	Spear
Brataas	Gustafson	McQuaid	Petty	Storm
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Stumpf
Davis	Jude	Merriam	Purfeerst	Taylor
DeCramer	Knaak	Moe, D.M.	Ramstad	Wegscheid
Dicklich	Knutson	Moe, R.D.	Reichgott	Willet
Dieterich	Kronebusch	Olson	Renneke	

Those who voted in the negative were:

Benson	Bertram	Isackson	Kroening	Samuelson
Berg	Chmielewski	Kamrath	Lessard	Waldorf
Bernhagen				

So the bill passed and its title was agreed to.

S.F. No. 709: A bill for an act relating to courts; raising the jurisdictional limit on claims heard in conciliation court; amending Minnesota Statutes 1984, sections 487.30, subdivision 1; 488A.12, subdivision 3; 488A.14,

subdivision 6; 488A.29, subdivision 3; and 488A.31, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 930: A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.321, subdivision 2; and 297B.12.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 761: A bill for an act relating to drivers' licenses; requiring certain notice on uniform traffic ticket; providing penalty for failure to respond to summons and complaint on uniform traffic ticket; prohibiting issuance of warrants for failure to pay fines for parking violations; establishing system for collecting unpaid fines; allocating driver's license reinstatement fees; amending Minnesota Statutes 1984, sections 169.99, by adding a subdivision; 171.16, subdivision 3, and by adding subdivisions; 171.20, subdivision 1; and 171.29; proposing coding for new law in Minnesota Statutes, chapter 169.

Mr. Dieterich moved that S.F. No. 761, No. 31 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

S.F. No. 569: A bill for an act relating to natural resources; granting conservation officers the authority of peace officers under certain circumstances; specifying areas of jurisdiction; amending Minnesota Statutes 1984, sections 84.028, subdivision 3; and 97.50, subdivision 1, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Sieloff
Anderson	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Frank	Lantry	Peterson, D.L.	Spear
Berg	Frederick	Luther	Peterson, R.W.	Storm
Berglin	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Gustafson	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Ramstad	Wegscheid
Davis	Knaak	Moe, R.D.	Reichgott	
DeCramer	Kroening	Novak	Renneke	
Dicklich	Kronebusch	Olson	Schmitz	

Those who voted in the negative were:

Benson	Chmielewski	Kamrath	Purfeerst	Willet
Bertram	Isackson	Knutson	Samuelson	
Brataas	Johnson, D.E.	Moe, D.M.	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 682: A bill for an act relating to human services; eliminating exclusions to licensing of child care programs; establishing qualifications for licensers; amending Minnesota Statutes 1984, sections 245.791; and 245.804, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Messrs. Berg and Kamrath voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 827: A bill for an act relating to marriage dissolution; requiring child support or maintenance obligors to file address or residence changes; amending Minnesota Statutes 1984, section 518.55, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski, Kamrath and Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 557: A bill for an act relating to insurance; removing the limits on credits offered on workers' compensation insurance premiums; amending Minnesota Statutes 1984, section 79.55, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1088: A bill for an act relating to the revenue recapture act; including the University of Minnesota in the definition of claimant agency; amending Minnesota Statutes 1984, sections 270A.02; and 270A.03, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Langseth	Peterson, C.C.	Schmitz
Anderson	Frank	Lantry	Peterson, D.C.	Sieloff
Belanger	Frederickson	Lessard	Peterson, D.L.	Solon
Benson	Gustafson	Luther	Peterson, R.W.	Spear
Berg	Isackson	McQuaid	Petty	Storm
Bernhagen	Jude	Mehrkens	Pogemiller	Stumpf
Bertram	Kamrath	Moe, D.M.	Purfeerst	Taylor
Brataas	Knaak	Moe, R.D.	Ramstad	Vega
Dahl	Kroening	Novak	Reichgott	Wegscheid
Davis	Kronebusch	Olson	Renneke	Willet
DeCramer	Laidig	Pehler	Samuelson	

Those who voted in the negative were:

Berglin	Dicklich	Frederick	Johnson, D.E.	Knutson
Chmielewski				

So the bill passed and its title was agreed to.

S.F. No. 441: A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 521: A bill for an act relating to corrections; authorizing the commissioner of corrections to prescribe the conditions under which persons on work release may retain and expend their earnings; providing for inmate contribution to funds for programs to aid victims of crime; clarifying the provisions relating to the use of force by correctional officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1117: A resolution memorializing the President and Congress of the United States to amend the Social Security Act to reverse overly-restrictive administrative interpretation of that act.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knutson voted in the negative.

So the resolution passed and its title was agreed to.

S.F. No. 186: A bill for an act relating to administrative rules; requiring the director of the pollution control agency to give notice of application for a water pollution discharge permit; amending Minnesota Statutes 1984, section 115.03, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 285: A bill for an act relating to farm loans; eliminating the limitation on the gross receipts of farms eligible for economic development loans; amending Minnesota Statutes 1984, section 116M.03, 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 57 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Belanger, Petty, Wegscheid and Willet voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 470: A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary educational programs, and secondary services; providing for separate bargaining units, limitations on reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 647: A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 24, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	McQuaid	Peterson, D.L.	Sieloff
Bertram	Frederickson	Moe, D.M.	Petty	Solon
Brataas	Knaak	Moe, R.D.	Pogemiller	Spear
Dahl	Kronebusch	Olson	Ramstad	Stumpf
Davis	Langseth	Pehler	Reichgott	Taylor
DeCramer	Lantry	Peterson, C.C.	Samuelson	Vega
Dicklich	Lessard	Peterson, D.C.	Schmitz	Willet

Those who voted in the negative were:

Adkins	Bernhagen	Johnson, D.E.	Laidig	Peterson, R.W.
Anderson	Frank	Jude	Luther	Purfeerst
Belanger	Frederick	Kamrath	Mehrkens	Renneke
Benson	Gustafson	Knutson	Merriam	Storm
Berg	Isackson	Kroening	Novak	

So the bill passed and its title was agreed to.

S.F. No. 916: A bill for an act relating to human services; authorizing the commissioner to establish a state advisory planning council; requiring counties to contract with nonprofit organizations; changing set aside project amounts; amending Minnesota Statutes 1984, sections 245.70, subdivision 1; 245.71; 245.711, subdivision 2; and 245.713, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Benson, Isackson, Kamrath and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 302: A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, section 118.005.

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

So the bill passed and its title was agreed to.

S.F. No. 750: A bill for an act relating to veterans; authorizing the American Veterans to use space in the veterans service building; amending Minnesota Statutes 1984, section 197.58.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1073: A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1183: A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 609: A bill for an act relating to human rights; prohibiting the waiver of legal rights or remedies in certain human rights cases; establishing standards for waiver rescission; amending Minnesota Statutes 1984, section 363.031.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 783: A bill for an act relating to natural resources; authorizing

additions to and deletions from certain state parks; amending Laws 1980, chapter 489, section 1, subdivision 4, and by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 422: A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1334: A bill for an act relating to utilities; regulating certain intrastate gas pipelines; amending Minnesota Statutes 1984, section 216B.02, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1307: A bill for an act relating to cemeteries; providing for the maintenance of certain cemeteries containing the remains of pioneers and Minnesotans who died through the year 1875; amending Minnesota Statutes 1984, section 306.243, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

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. Mehrkens introduced—

S.F. No. 1462: A bill for an act relating to taxation; providing for payment of reduced assessment credit to the city of Zumbrota.

Referred to the Committee on Taxes and Tax Laws.

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

S.F. No. 1463: A bill for an act relating to taxation; property; changing the

administration and disbursement of certain property tax credits; modifying the process for determining mill rates; changing property classes and classification ratios; changing computation of property tax refunds; appropriating money; amending Minnesota Statutes 1984, sections 47.58, subdivisions 2 and 3; 124.2138, subdivision 2; 272.115, subdivision 4; 273.13, subdivisions 2, 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 15a, 16, 19, and 21; 273.135, subdivisions 1 and 2; 273.1392; 273.42, subdivision 2; 274.19, subdivision 6; 276.04; 290A.03, subdivisions 13 and 14; 290A.04, subdivisions 2 and 3; 290A.09; 375.192, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 275; repealing Minnesota Statutes 1984, sections 124.2137; 273.115; 273.116; 273.13, subdivisions 14a, 17, 17b, 17c, 17d, and 20; 273.1311; 273.1315; 273.135, subdivision 5; 273.1391; 290A.03, subdivisions 9 and 10; and 290A.04, subdivisions 2a, 2b, 2e, 2f, and 2g.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 1464: A bill for an act relating to health; providing a statewide emergency medical services fund; requiring certain distribution of the fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Messrs. Renneke; Peterson, D.L. and Kamrath introduced—

S.F. No. 1465: A bill for an act relating to education; adjusting the determination of tuition; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

Referred to the Committee on Education.

Mr. Renneke, Mrs. Kronebusch and Mr. Peterson, D.L. introduced—

S.F. No. 1466: A bill for an act relating to education; reducing the applicant's contribution toward the cost of attendance in determining state scholarships and grants; amending Minnesota Statutes 1984, section 136A.121, subdivisions 4 and 5.

Referred to the Committee on Education.

Mrs. Kronebusch and Mr. Renneke introduced—

S.F. No. 1467: A bill for an act relating to education; reducing the tuition component required to pay in part for instructional costs; requiring the higher education coordinating board to arrange for a tuition study; amending Minnesota Statutes 1984, section 135A.03, subdivision 1.

Referred to the Committee on Education.

Messrs. Sieloff, Pehler and Anderson introduced—

S.F. No. 1468: A bill for an act relating to vocational technical education; requiring the state board to establish a two-year pilot program at a vocational technical institute for vocational generalist; appropriating money; amending

Minnesota Statutes 1984, section 136C.04, by adding a subdivision.

Referred to the Committee on Education.

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

S.F. No. 1469: 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.

Ms. Berglin introduced—

S.F. No. 1470: A resolution memorializing the President and Congress of the United States to include the provision of dental care, hearing aids, and eye glasses under Medicare.

Referred to the Committee on Health and Human Services.

Messrs. Solon and Gustafson introduced—

S.F. No. 1471: A bill for an act relating to transportation; appropriating money for support of AMTRAK.

Referred to the Committee on Finance.

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

S.F. No. 1472: A bill for an act relating to appropriations; appropriating money for construction of a dam on Nett Lake in St. Louis county.

Referred to the Committee on Finance.

Mr. Jude introduced—

S.F. No. 1473: A bill for an act relating to transportation; advertising devices; authorizing advertising on certain telephone booths; amending Minnesota Statutes 1984, section 160.27, subdivision 3.

Referred to the Committee on Transportation.

Mr. Wegscheid introduced—

S.F. No. 1474: A bill for an act relating to retirement; public employees police and fire fund; retirement with 30 years of service; actuarial reduction; amending Minnesota Statutes 1984, section 353.651, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Ms. Berglin and Mr. Spear introduced—

S.F. No. 1475: A bill for an act relating to corrections; providing funding for the commissioner of corrections to develop a pilot counseling program for Native American inmates of state correctional facilities; appropriating

money; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Finance.

Messrs. Gustafson, Taylor and Laidig introduced—

S.F. No. 1476: A bill for an act relating to taxation; exempting capital gains from income taxation; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20a and 20b; 290.16, subdivision 4; and 290A.03, subdivision 3; repealing Minnesota Statutes 1984, section 41.59, subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Jude introduced—

S.F. No. 1477: A bill for an act relating to crimes; prohibiting sale, possession or use of electric weapons; exempting law enforcement agencies and peace officers from the possession and use prohibition; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary.

Without objection, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Reports of Committees read by the Secretary be adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1242: A bill for an act relating to municipalities; excluding programs licensed by the department of corrections from the residential programs that are considered a permitted single family residential use of property for purposes of zoning; amending Minnesota Statutes 1984, sections 245.812, subdivision 3; and 462.357, subdivision 7.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 9, 1985, be amended to read:

“the bill do pass and be re-referred to the Committee on Health and Human Services”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

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.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 9, 1985, be amended to read:

"the bill be amended 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. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 357: A bill for an act relating to Pine county; permitting the county to participate separately in the community health services system.

Reports the same back with the recommendation that the report from the Committee on Local and Urban Government, shown in the Journal for April 9, 1985, be amended to read:

"the bill do pass and be re-referred to the Committee on Health and Human Services". Report adopted.

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

S.F. No. 1057: A resolution memorializing the governments of the United States and Sweden that the State of Minnesota adopts the County of Kronoberg as a sister state.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1093: A bill for an act relating to environment; creating the governor's nuclear waste council; providing for the inspection of shipping and designation of transportation routes; providing coordination with the federal government's nuclear waste site planning; providing for emergency pre-

paredness to nuclear incidents; requiring legislative approval for construction of a nuclear fission electrical generating plant in Minnesota; appropriating money; amending Minnesota Statutes 1984, sections 116C.71, by adding a subdivision; 116C.72; 116C.731, subdivisions 3 and 4, and by adding subdivisions; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116C.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations, shown in the Journal for April 9, 1985, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 788: A bill for an act relating to workers' compensation; regulating the membership of the board of directors of the workers' compensation reinsurance association; amending Minnesota Statutes 1984, section 79.37.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for April 4, 1985, be amended to read:

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1121: A bill for an act relating to veterans; making certain veterans eligible for the state civil service veterans preference; repealing Minnesota Statutes 1984, section 43A.11, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for April 4, 1985, be amended to read:

"the bill do pass and be re-referred to the Committee on Governmental Operations". Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 134: A resolution memorializing the President and the Congress of the United States to repeal the Federal Reserve Act.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 9, 1985, be amended to read:

"the resolution do pass and be re-referred to the Committee on Rules and Administration". Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 928: A bill for an act relating to occupations and professions; establishing a state board of hearing instrument dispensing; providing for licensure of persons engaged in the sale of hearing instruments; appropriating money; providing penalties; amending Minnesota Statutes 1984, section 214.01, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 153A.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 9, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health and Human Services". Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 1057 was read the second time.

MEMBERS EXCUSED

Messrs. Hughes; Johnson, D.J. and Nelson were excused from the Session of today. Mr. Knutson was excused from the Session of today until 4:00 p.m.

The following members were excused from today's Session for brief periods of time: Messrs. Freeman, Lessard and Waldorf.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, April 15, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate