

FIFTY-FIRST DAY

St. Paul, Minnesota, Wednesday, May 13, 1987

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Marjorie Aurelius.

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

Adkins	Davis	Knaak	Moe, D.M.	Samuelson
Anderson	DeCramer	Knutson	Moe, R.D.	Schmitz
Beckman	Dicklich	Kroening	Morse	Solon
Belanger	Diessner	Laidig	Novak	Spear
Benson	Frank	Langseth	Olson	Storm
Berg	Frederick	Lantry	Pehler	Stumpf
Berglin	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bernhagen	Frederickson, D.R.	Lessard	Peterson, R.W.	Vickerman
Bertram	Freeman	Luther	Piper	Waldorf
Brandl	Gustafson	Marty	Pogemiller	Wegscheid
Brataas	Hughes	McQuaid	Purfeerst	Willet
Chmielewski	Johnson, D.E.	Mehrkens	Ramstad	
Cohen	Johnson, D.J.	Merriam	Reichgott	
Dahl	Jude	Metzen	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 communications were received.

May 5, 1987

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 No. 793.

Sincerely,

Rudy Perpich, Governor

May 4, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1987 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1987	Date Filed 1987
793		52	May 5	May 5
	499	53	May 5	May 5
	1042	54	May 5	May 5

Sincerely,

Joan Anderson Growe
Secretary of State

May 7, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1987 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1987	Date Filed 1987
	1355	55	May 7	May 7
	839	56	May 6	May 7
	750	57	May 6	May 7
	469	58	May 7	May 7
59		59	May 7	May 7
157		60	May 6	May 7
161		61	May 6	May 7
248		62	May 6	May 7
324		63	May 6	May 7
341		64	May 6	May 7
470		65	May 7	May 7
698		66	May 6	May 7
721		67	May 6	May 7
863		68	May 7	May 7
922		69	May 7	May 7
1015		70	May 7	May 7
1349		71	May 6	May 7

Sincerely,

Joan Anderson Growe

Secretary of State

May 11, 1987

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. 53, 296, 333, 345, 420, 480, 673, 737 and 916.

Sincerely,

Rudy Perpich, Governor

May 12, 1987

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. 183, 225, 409 and 482.

Sincerely,

Rudy Perpich, Governor

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Ms. Berglin moved that the following members be excused for a Conference Committee on H.F. No. 243 at 12:30 p.m.:

Ms. Berglin, Mrs. Lantry, Messrs. Samuelson, Knutson and Spear. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 292, 300, 1053 and 853.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1987

Mr. President:

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

S.F. No. 800: A bill for an act relating to financial institutions; authorizing

certain charges on open-end loan account arrangements; amending Minnesota Statutes 1986, section 48.185, subdivision 4.

Senate File No. 800 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1987

CONCURRENCE AND REPASSAGE

Mr. Wegscheid moved that the Senate concur in the amendments by the House to S.F. No. 800 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 800 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 46 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kroening	Moe, R.D.	Solon
Anderson	DeCramer	Laidig	Morse	Storm
Beckman	Diessner	Langseth	Olson	Stumpf
Belanger	Frank	Larson	Peterson, R.W.	Vickerman
Benson	Frederickson, D.J.	Lessard	Piper	Waldorf
Berglin	Frederickson, D.R.	Marty	Ramstad	Wegscheid
Bertram	Hughes	McQuaid	Reichgott	
Brandl	Johnson, D.E.	Mehrkins	Renneke	
Brataas	Jude	Metzen	Samuelson	
Chmielewski	Knaak	Moe, D.M.	Schmitz	

Those who voted in the negative were:

Dahl	Luther	Pogemiller	Spear	Willet
Johnson, D.J.	Peterson, D.C.			

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 865: A bill for an act relating to environment; authorizing an assessment against public utilities to finance the state costs of controlling acid deposition; amending Minnesota Statutes 1986, section 116C.69, subdivision 3.

Senate File No. 865 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1987

Mr. Dahl moved that the Senate do not concur in the amendments by the House to S.F. No. 865, and that a Conference Committee of 3 members

be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 153: A bill for an act relating to consumer protection; requiring cash refunds for goods returned on certain retail sales; providing enforcement; proposing coding for new law in Minnesota Statutes, chapter 325F

Senate File No. 153 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1987

CONCURRENCE AND REPASSAGE

Mrs. Lantry moved that the Senate concur in the amendments by the House to S.F. No. 153 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 153 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Metzen	Samuelson
Anderson	Dicklich	Kroening	Moe, R.D.	Schmitz
Beckman	Diessner	Laidig	Morse	Solon
Belanger	Frank	Langseth	Novak	Spear
Benson	Frederick	Lantry	Olson	Storm
Bernhagen	Frederickson, D.J.	Larson	Peterson, D.C.	Stumpf
Bertram	Frederickson, D.R.	Lessard	Piper	Taylor
Brandl	Freeman	Luther	Pogemiller	Vickerman
Brataas	Hughes	Marty	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Cohen	Johnson, D.J.	Mehrkens	Reichgott	Willet
Dahl	Jude	Merriam	Renneke	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 177.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1987

FIRST READING OF HOUSE BILLS

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

H.F. No. 177: A bill for an act relating to human services; reducing state aid for general assistance to counties that fail to provide literacy training; requiring certain recipients of general assistance to attend adult literacy training; setting forth requirements for literacy training programs; appropriating money; amending Minnesota Statutes 1986, sections 256D.03, subdivision 2; 256D.05, subdivision 1; and 256D.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Human Services.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1345: A bill for an act relating to the judiciary; public defenders; requiring the state board of public defense to adopt standards governing district public defender offices; authorizing the state board of public defense to fix the salary of the state public defenders; requiring the state public defender to provide training for state and district public defenders; providing that compensation of district public defenders may not exceed compensation of county attorneys; allowing representation of indigents by public defender before formal appointment; providing for state funding of district public defenders by weighted caseload; appropriating money; amending Minnesota Statutes 1986, sections 611.215, subdivisions 1 and 2; 611.216, subdivisions 1, 2, and 3; 611.23; 611.24; 611.25; 611.26, subdivisions 1, 2, 3, 4, and 6; and 611.27, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1986, sections 611.22; and 611.26, subdivisions 5 and 8.

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

Page 1, line 29, strike "CREATION" and insert "STRUCTURE"

Page 1, line 30, before "The" insert "(a)"

Page 1, line 33, strike "appointed by the supreme court"

Page 2, line 2, before the semicolon, insert "*appointed by the supreme court*"

Page 2, line 6, before the semicolon, insert "*, appointed by the supreme court*"

Page 2, line 7, before the period, insert "*appointed by the governor*"

Page 2, line 8, before "All" insert "(b)"

Page 2, after line 16, insert:

"(c) In addition, the state board of public defense shall consist of an 11-member ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of district

public defenders currently serving shall terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

Sec. 3. Minnesota Statutes 1986, section 611.215, is amended by adding a subdivision to read:

Subd. 1a. [CHIEF ADMINISTRATOR.] The chair of the state board of public defense may, subject to the approval of the board, appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and who will serve at the pleasure of the board. The chief administrator need not be licensed to practice law. The administrator shall attend all meetings of the board, but may not vote, and shall:

(1) enforce all resolutions, rules, regulations, or orders of the board;

(2) appoint and remove all subordinate officers and regular employees of the board upon the basis of merit and fitness, subject to the provisions of a personnel code adopted by the board;

(3) present to the board plans, studies, and reports prepared for board purposes and recommend to the board for adoption measures necessary to enforce or carry out the powers and duties of the board, or to efficiently administer the affairs of the board;

(4) keep the board fully advised as to its financial condition, and prepare and submit to the board its annual budget and other financial information as it may request;

(5) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and its functions; and

(6) perform other duties prescribed by the board."

Page 2, line 20, reinstate the stricken "shall"

Page 2, line 21, delete "appoints" and insert "appoint"

Page 2, line 22, after "serves" insert "full-time"

Page 2, line 26, delete "must" and insert "shall"

Page 2, line 27, before "office" insert "board, the"

Page 2, line 28, before the period, insert ", and the public defense corporations" and delete everything after the period

Page 2, delete lines 29 and 30 and insert "The board shall establish procedures for distribution of state funding under this chapter to the state and district public defenders, including Hennepin and Ramsey county public defenders, and to the public defense corporations."

Page 2, line 31, delete "must" and insert "shall" and after "of" insert "the state and"

Page 3, delete lines 12 to 14 and insert:

"(6) standards ensuring the economical and efficient delivery of legal services, including alternatives to the present geographic boundaries of the public defender districts.

The board may require the reporting of statistical data, budget information, and other cost factors by the state and district public defenders and appointed counsel systems."

Page 5, line 11, after "a" insert "*full-time*"

Page 5, line 25, after "*the*" insert "*limitations imposed by, and the*" and after "*of*" insert a comma

Page 6, line 29, delete everything after the headnote

Page 6, lines 30 to 32, delete the new language

Page 6, line 33, after "*programs*" insert ", with the approval of the board of public defense."

Page 6, line 34, reinstate the stricken comma

Page 6, line 35, before the period, insert "*appointed counsel, and attorneys for legal service corporations funded in section 611.216*"

Page 7, line 10, delete "*must*" and insert "*shall*"

Page 7, line 18, strike everything after "*defender*"

Page 7, lines 19 and 20, delete the new language and strike the old language

Page 7, line 21, delete "*the district*" and insert ". When appointing a district public defender, the state board of public defense membership shall be increased to include two judges of the district and two county commissioners of the counties within the district. The additional members shall serve only in the capacity of selecting the district public defender. The judges within the district shall elect their two ad hoc members. The two county commissioners within the district shall be selected by the county boards of the counties within the district. The ad hoc state board of public defense shall appoint a district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, the judges of the district, and the county commissioners within the district"

Page 7, line 24, delete "*January 1*" and insert "*August 1, pursuant to the following staggered term schedule: (1) in 1987, the third and eighth districts; (2) in 1988, the first and tenth districts; (3) in 1989, the fifth and ninth districts; and (4) in 1990, the sixth and seventh districts*" and strike "*defender*" and insert "*defenders shall serve for staggered four year terms and*"

Page 7, line 31, reinstate the stricken "*shall be*" and delete "*is*"

Page 7, line 34, delete "*is*" and insert "*shall be*"

Page 8, line 6, delete "*must*" and insert "*shall*"

Page 8, line 9, delete "*reasonable*" and insert "*pertinent*"

Page 8, line 17, strike "*may*" and insert "*shall*"

Page 8, line 26, delete "*by assistant district public defenders*"

Page 9, line 3, delete "*in counsel's judgment*" and delete "*reason*" and insert "*a substantial factual basis*"

Page 9, line 10, strike "*and*"

Page 9, line 11, delete "*by state funding as provided in this section*"

Page 9, line 12, after "*submit*" insert "*a comprehensive budget*"

Page 9, line 13, delete everything after "*defense*"

Page 9, delete lines 14 and 15

Page 9, line 16, delete everything before the period and after the period, insert "*The budget shall be in compliance with standards and forms required by the board and must, at a minimum, include detailed substantiation as to all revenues and expenditures.*"

Page 9, line 30, after "district" insert "court"

Page 9, line 36, delete "compensation," and strike "office equipment and supplies" and delete ", and"

Page 10, line 1, delete "other"

Page 10, line 8, before "The" insert "*After the board determines the allocation of the state funds authorized pursuant to paragraph (e),*"

Page 10, delete lines 31 to 33 and insert "*shall be distributed to the district public defenders to insure a high quality independent defense system for those who are unable to obtain adequate representation.*"

Page 11, delete section 18

Page 11, after line 26, insert:

"Sec. 20. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "providing for membership of the state board of public defense; providing for appointment of a chief administrator;"

Page 1, line 8, after "defenders" insert ", appointed counsel, and legal service corporation attorneys"

Page 1, line 12, delete everything after the semicolon

Page 1, delete line 13

Page 1, line 14, delete "appropriating money;"

Page 1, line 15, before the semicolon, insert ", and by adding a subdivision"

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

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

S.F. No. 514: A bill for an act relating to human services; creating the office of ombudsman for mental health and mental retardation; providing for the powers and duties of the ombudsman; creating a medical review board; requiring reporting of abuse and neglect to the ombudsman for mental health and mental retardation; amending Minnesota Statutes 1986, sections 13.46, subdivision 1; 626.556, subdivisions 9 and 10; and 626.557, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 245.

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

Page 12, line 30, delete "three" and insert "five"

Page 12, after line 30, insert:

"Sec. 13. [APPROPRIATIONS.]

\$39,000 is appropriated from the general fund to the ombudsman for mental health and mental retardation."

Amend the title as follows:

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

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

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

S.F. No. 832: A bill for an act relating to agriculture; clarifying certain appropriations; prohibiting importation of certain bees; changing certain milk inspection fees and requirements; eliminating certain requirements for grain buyers licenses; appropriating money; amending Minnesota Statutes 1986, sections 17B.15, subdivision 1; 19.58, subdivision 1; 32.394, subdivisions 8, 8b, and 9; and 223.17, subdivision 1.

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

Page 6, delete section 7

Amend the title as follows:

Page 1, line 6, delete "appropriating money;"

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

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

S.F. No. 867: A bill for an act relating to environment; creating the clean water partnership program for the control of nonpoint source water pollution and providing for administration by the pollution control agency; requiring a state water quality assessment; authorizing technical and financial assistance to local governments; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

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

Page 1, line 21, delete "practicable" and insert "practical"

Page 2, line 20, delete "and" and insert "or"

Page 2, line 23, delete "PROGRAM"

Page 2, delete line 24

Page 2, line 25, delete everything before "The" and insert paragraph coding and delete the second "the" and insert "a"

Page 2, line 26, delete the first "program" and delete the second "program" and insert "partnership"

Page 3, line 5, delete "101 United States Statutes" and insert "Statutes at Large, volume 101, pages"

Page 3, line 30, delete "funds" and insert "money"

Page 4, line 16, after the comma, insert "that provides"

Page 5, delete lines 1 to 14 and insert:

"(1) to demonstrate the participation of and coordination and cooperation among local units of government and other public agencies, including soil and water conservation districts and watershed districts;

(2) to maximize the degree of water quality improvement or protection relative to the cost of implementing the best management practices;

(3) to utilize the best management practices to provide a feasible means of abating or preventing nonpoint source water pollution; and

(4) to be consistent with the state water quality management plans, the statewide resource assessment conducted under section 4, and other applicable state and local resource management programs."

Page 5, lines 26 and 31, delete "funds"

Page 6, line 12, delete "the ranking of" and insert "ranking"

Page 6, line 24, delete "For the purpose of coordinating" and insert "To coordinate"

Page 6, line 27, delete "for the control of" and insert "to control"

Page 6, lines 29 and 30, delete "101 United States Statutes" and insert "Statutes at Large, volume 101, pages"

Page 7, delete section 12 and insert:

"Sec. 12. [APPROPRIATION.]

\$2,000,000 is appropriated from the water pollution control fund to the pollution control agency for the purposes specified in this section, to be available for the fiscal year ending June 30 in the years indicated.

	1988	1989
(a) For administration and contractual services	\$ 299,500	\$348,000
(b) For grants to local units of government	\$1,352,500	
<i>This amount is available until expended.</i>		

The approved complement of the pollution control agency is increased by four positions."

Amend the title as follows:

Page 1, line 3, delete "program"

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

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

S.F. No. 908: A bill for an act relating to human services; establishing a community services conversion project; proposing coding for new law in Minnesota Statutes, chapter 252.

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

Page 4, after line 32, insert:

"Sec. 2. Minnesota Statutes 1986, section 256B.092, subdivision 1, is amended to read:

Subdivision 1. [COUNTY OF FINANCIAL RESPONSIBILITY; DUTIES.] Before any services shall be rendered to persons with mental retardation or related conditions who are in need of social service and medical assistance, the county of financial responsibility shall conduct a diagnostic evaluation in order to determine whether the person is or may be mentally retarded or has or may have a related condition. If a client is diagnosed as mentally retarded or as having a related condition, that county must conduct a needs assessment, develop an individual service plan, provide ongoing case management services at the level identified in the individual service plan, and authorize placement for services. *To the extent possible, for wards of the commissioner the county shall consider the opinions of the parent of the person with mental retardation or a related condition when developing the person's individual service plan.* If the county of financial responsibility places a client in another county for services, the placement shall be made in cooperation with the host county of service, and arrangements shall be made between the two counties for ongoing social service, including annual reviews of the client's individual service plan. The host county may not make changes in the service plan without approval by the county of financial responsibility."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring counties to consider the opinions of parents when developing service plans for persons with mental retardation and related conditions; amending Minnesota Statutes 1986, section 256B.092, subdivision 1;"

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

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

S.F. No. 1008: A bill for an act relating to occupations and professions; providing for the regulation of the practice of chiropractic; providing for peer review of services and fees; providing grounds for license revocation; prescribing penalties; appropriating money; amending Minnesota Statutes 1986, sections 148.06, subdivision 1; 148.07, subdivision 2; 148.08, subdivision 3; 148.10, subdivisions 1, 3, and by adding a subdivision; and 319A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1986, section 148.101.

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

Page 13, line 33, delete "health care"

Page 13, line 34, delete "provider" and insert "licensed chiropractor"

Page 14, line 10, delete "must" and insert "may"

Page 14, line 16, delete "health care provider" and insert "chiropractor"

Page 14, delete lines 17 to 21 and insert:

"(e) "Patient" means an individual who receives chiropractic treatment from a chiropractor."

Page 14, line 22, delete "(g)" and insert "(f)"

Page 14, line 26, delete "(h)" and insert "(g)"

Page 14, line 28, delete everything after the first comma and insert *"two of whom are consumers"*

Page 14, line 29, delete *"insurance company representative"*

Page 14, line 33, after *"board"* insert *", and may consist of different individuals for review of different cases"*

Page 14, line 34, delete "(i)" and insert "(h)" and delete *"a determination made"*

Page 14, line 35 delete *"of"* and delete *"medical"*

Page 15, line 2, delete *"provider"* and insert *"chiropractor or any other facts or evidence pertinent to the controversy"*

Page 15, line 6, delete *"further"*

Page 15, line 12, delete everything after *"[DUTIES.]"*

Page 15, delete line 13

Page 15, line 14, delete everything before the third *"The"*

Page 15, lines 22, 23, 30, and 32, delete *"health care provider"* and insert *"chiropractor"*

Page 15, line 24, delete *"For each peer review request,"*

Page 15, delete line 25

Page 15, line 26, delete *"person submitting the request,"* and insert *"Any third-party provider making a peer review request may be charged a fee"*

Page 15, lines 35 and 36, delete *"health care provider"* and insert *"chiropractor"*

Page 16, line 2, delete *"health care provider"* and insert *"chiropractor"*

Page 16, line 5, delete *"appropriate"* and insert *"unconscionable"*

Page 17, line 1, delete *"No"*

Page 17, delete lines 2 to 8

Page 17, line 9, delete everything before *"This"* and insert *"All data and information acquired by the board or the peer review committee, in the exercise of its duties and functions, shall be subject to the same disclosure and confidentiality protections as provided for data and information of other review organizations under section 145.64."*

Page 17, lines 15 and 16, delete *"health care provider"* and insert *"chiropractor"*

Page 17, line 17, delete *"health care provider"* and insert *"chiropractor"*

Page 18, delete section 13

Page 18, line 18, delete *"12 and 14"* and insert *"13"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "appropriating money;"

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

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

H.F. No. 1054: A bill for an act relating to vocational rehabilitation; limiting grants to sheltered workshops; providing for use of community-based employment; regulating and defining vocational rehabilitation programs; amending Minnesota Statutes 1986, sections 129A.01; 129A.03; 129A.06; 129A.07; and 129A.08.

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

Page 10, line 4, strike "grant" and insert "*average of all grants under this section*"

Page 10, line 5, delete the new language

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

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

S.F. No. 1113: A bill for an act relating to human services; regulating the licensure of programs for the care of children or of adults with certain disabilities; providing penalties; replacing the existing licensure law; proposing coding for new law as Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1986, sections 245.781; 245.782; 245.783; 245.791; 245.792; 245.801; 245.802; 245.803; 245.804; 245.805; 245.811; 245.812; 245.88; 245.881; 245.882; 245.883; 245.884; and 245.885.

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

Page 3, line 9, after "*funds*" insert "*under chapter 254B*"

Page 3, line 28, after "*hospital*" insert "*that receives public funds administered by the commissioner and*"

Page 5, line 4, after "*health*" insert "*, except programs defined in section 2, subdivisions 10 and 14*"

Page 5, line 21, delete "*or*"

Page 5, line 24, delete the period and insert "*; or*

(15) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules."

Page 6, line 29, after the period, insert "*This subdivision does not apply to programs located in hospitals."*

Page 8, line 32, after "*operation*" insert "*and the information sought is relevant to inspections or investigations conducted by the commissioner*"

Page 8, line 33, after "*necessary*" insert "*if the commissioner is conducting an investigation of allegations of abuse, neglect, or other violations*

of applicable laws or rules"

Page 9, line 2, after "audio" insert "tape"

Page 9, line 3, before the period, insert "*at the commissioner's expense. The commissioner shall obtain a court order before photocopying hospital medical records*"

Page 9, line 5, delete the first "or" and insert a comma and after "photographed" insert ", or audio taped or video taped"

Page 13, line 11, after the period, insert "*When applying sanctions authorized by this section, the commissioner shall consider the nature, chronicity, or severity of the violation on the health, safety, or rights of persons served by the program.*"

Page 16, line 2, delete "(a)"

Page 16, line 4, after the period, insert "*The commissioner shall not adopt any rules that are inconsistent with existing state or federal regulations. Nothing in this subdivision shall be construed to prohibit the commissioner from incorporating existing state or federal regulations or accreditation standards by reference. When adopting rules under this subdivision, the commissioner shall comply with the requirements in paragraphs (a) to (c), as appropriate for each type of license.*"

Page 16, line 5, delete "(b)" and insert "(a)"

Page 16, line 8, delete "(c)" and insert "(b)"

Page 16, line 10, delete "(d)" and insert "(c)"

Page 17, line 33, delete "*The commissioner may*" and insert "*Where appropriate and feasible, the commissioner shall*"

Page 17, line 36, delete "may" and insert "shall"

Page 18, lines 5 and 22, delete "may" and insert "shall"

Page 18, lines 14 and 26, delete "may" and insert "shall" and after "and" delete "shall"

Page 18, line 23, delete "shall"

Page 21, after line 21, insert:

"*Subd. 6. [HOSPITALS; EXEMPTION.] Residential programs located in hospitals are exempt from this section.*"

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

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

S.F. No. 1202: A bill for an act relating to environment; establishing a siting process for a low-level radioactive waste facility; providing for volunteer sites and an alternative site selection process; establishing a siting board; appropriating money; amending Minnesota Statutes 1986, sections 116C.832, subdivision 1, and by adding subdivisions; 116C.834, subdivision 1; and 116C.842, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Page 2, line 1, delete "subdivision 1,"

Page 2, after line 24, insert:

"Subd. 2. [COLLECTION AND DEPOSIT.] Fees assessed under subdivision 1 shall be collected by the commissioner of revenue. All money received pursuant to this subdivision shall be deposited in the general special revenue fund."

Page 3, line 33, delete "shall be" and insert "is"

Pages 4 and 5, delete section 10 and insert:

"Sec. 10. [APPROPRIATIONS.]

\$1,320,000, but not more than the fees anticipated to be received from the assessment against low-level radioactive waste generators under Minnesota Statutes, section 116C.834, is appropriated from the special revenue fund to the environmental quality board to pay for costs of the siting board for expenses incurred under Minnesota Statutes, section 116C.842 and sections 8 and 9. The approved complement of the state planning agency is increased by seven positions. \$660,000 is for fiscal year 1988 and \$660,000 is for fiscal year 1989."

Amend the title as follows:

Page 1, line 8, delete ", subdivision 1"

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

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

S.F. No. 405: A bill for an act relating to Forestville state park; adding property comprising Mystery Cave to Forestville state park; authorizing acquisition of lands and interests in lands therefor; providing for a Niagara Cave feasibility study; appropriating money.

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

Page 3, line 24, delete "\$212,000" and insert "\$162,000"

Page 3, delete lines 32 to 34

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

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

S.F. No. 834: A bill for an act relating to human services; establishing the office of assistant commissioner of mental health; establishing a state advisory council on mental health; creating a mental health division in the department of human services; proposing coding for new law in Minnesota Statutes, chapter 245.

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

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

S.F. No. 487: A bill for an act relating to elections; changing certain voter registration procedures to increase voter participation; providing for a computerized central registration system, voter registration forms in state income tax forms and booklets, and a combined voter registration, driver's license, and identification card form; appropriating money; amending Minnesota Statutes 1986, sections 201.021; 201.054, subdivision 1; 201.061, subdivision 1; 201.071, subdivision 4; 201.081; 201.121, subdivision 1; 201.13; 201.15; 201.161; 201.171; 201.221, subdivisions 2 and 4; 290.39, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 201.

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

Page 9, line 6, delete "*postpaid*"

Page 9, delete section 16

Amend the title as follows:

Page 1, line 8, delete "appropriating money;"

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

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

S.F. No. 892: A bill for an act relating to employment; providing for severance pay and insurance coverage to certain terminated employees; requiring employers to provide notice of certain actions related to work force reductions; appropriating money; amending Minnesota Statutes 1986, section 267.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; proposing coding for new law as Minnesota Statutes, chapter 268A.

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

Page 6, delete lines 25 to 28 and insert "*the state treasury and credited to the general fund.*"

Sec. 9. [APPROPRIATION.]

\$290,000 is appropriated from the general fund to the attorney general for the purposes of this act. \$150,000 is for fiscal year 1988 and \$140,000 is for fiscal year 1989. The approved complement of the office of the attorney general is increased by four positions."

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

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

S.F. No. 1112: A bill for an act relating to athletic and sporting events; creating the Minnesota amateur sports commission and providing its powers and duties; requiring the sponsorship of certain amateur athletic events; authorizing an admission tax; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 240A.

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

as follows:

Page 4, line 35, delete "and"

Page 5, line 1, delete the period and insert "; and

(14) promote the mainstreaming and normalization of people with physical disabilities and visual and hearing impairments in amateur sports."

Page 5, line 12, after "expertise" insert ", and as necessary to include people with physical disabilities and visual and hearing impairments" and delete "must" and insert "may"

Page 5, delete line 13 and insert "if money and"

Page 5, line 14, delete "and" and insert "are available,"

Page 5, line 18, delete "and" and after "communities" insert ", and people with physical disabilities and visual and hearing impairments"

Page 5, line 27, delete "practicable" and insert "practical"

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete everything before "proposing"

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

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

S.F. No. 1203: A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; changing the membership of the world trade center board; establishing the world trade center institute; authorizing the board to contract for certain services and programs; amending Minnesota Statutes 1986, sections 17.03, by adding a subdivision; 17.101, subdivision 1; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.031; 104.35, subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 44A; 116J; 236A; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.07; 116J.404; and 116J.405.

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

Page 5, after line 11, insert:

"Subd. 2. [APPROPRIATION.] Money received by the director under this section must be deposited in the state treasury and is appropriated to the director for the purpose for which the money has been received. The money appropriated by this subdivision does not cancel and is available

until expended. This appropriation does not apply to money resulting from litigation or settlements of alleged violations of federal petroleum pricing regulations."

Page 5, line 12, delete "2" and insert "3"

Pages 16 and 17, delete section 27

Page 17, line 6, delete "28" and insert "27"

Amend the title as follows:

Page 1, line 15, after the semicolon, insert "appropriating money;"

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

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

S.F. No. 1437: A bill for an act relating to economic development; providing for review of state-funded scientific and technologically related research; creating an office of science and technology within the department of energy and economic development; creating a committee on science and technology research and development and providing for its powers and duties; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1986, section 116J.94.

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

Delete everything after the enacting clause and insert:

"Section 1. [116J.970] [SCIENCE AND TECHNOLOGY OFFICE.]

Subdivision 1. [DUTIES.] The commissioner shall establish an office of science and technology, which shall:

(1) provide assistance to the committee on science and technology research and development established in section 2;

(2) prepare and deliver to the legislature every January 15, a science and technology annual report that shall contain:

(i) a list of the scientifically and technologically related research and development projects and development activities funded by a grant or loan of state money;

(ii) guidelines that the legislature may use in allocating state grant or loan money for scientifically and technologically related research and development projects, to include assessments of emerging technologies and those technologies that provide significant promise for the development of job-creating businesses; and

(iii) an analysis of the efficacy and completeness of the decentralized research peer review processes mandated in section 2, subdivision 5, with special emphasis on whether or not scientifically and technologically related research and development projects in Minnesota are in conformance with the guidelines established in item (ii), and whether or not the scientifically and technologically related research and development projects have or will result in creating scientifically and technologically related jobs;

(3) keep a current roster of technology intensive businesses in the state;

(4) collect and disseminate information on financial, technical, marketing, management, and other services available to technology intensive small and emerging businesses, including potential sources of debt and equity capital;

(5) review the technological development potential of various regions of the state and cooperate with and make recommendations to the legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of the development potential;

(6) sponsor and conduct conferences and studies, collect and disseminate information, and issue periodic reports relating to scientifically and technologically related research and development, and education in the state and represent the state at appropriate interstate and national conferences; and

(7) take other action as assigned by the commissioner.

Sec. 2. [116J.971] [COMMITTEE ON SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.]

Subdivision 1. [MEMBERSHIP] The committee on science and technology research and development consists of:

(1) a chair appointed by the governor to a four-year term;

(2) eight members appointed by the governor to six-year terms, at least three of whom must reside outside the seven-county metropolitan area;

(3) one member appointed by the speaker of the house of representatives at the beginning of each biennium to a two-year term;

(4) one member appointed by the minority leader of the house of representatives at the beginning of each biennium to a two-year term;

(5) one member appointed by the majority leader of the senate at the beginning of each biennium to a two-year term; and

(6) one member appointed by the minority leader of the senate at the beginning of each biennium to a two-year term.

Subd. 2. [QUALIFICATIONS AND DUTIES OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.] Members of the committee on science and technology research and development must be qualified in at least one of the five following areas: economic development, academic and applied research, the administration of research, the review of research processes, and the management and development of technology intensive companies. The committee shall:

(i) advise upon and approve by a majority vote the guidelines required by section 1, clause (2), item (ii);

(ii) advise the director of the office of science and technology on the preparation of the analysis required by section 1, clause (2), item (iii);

(iii) approve the assignment of ad hoc advisory committees on science and technology research and development as needed; and

(iv) review and comment upon, if the committee considers it to be necessary, the reports of the ad hoc advisory committees and forward the reports to the director of the office of science and technology.

Subd. 3. [AD HOC ADVISORY COMMITTEES.] *To perform the acts required by section 1, clause (2), the committee on science and technology research and development may, from time to time, approve the creation and use of ad hoc advisory committees composed of 3 to 15 members each. Members of the committee on science and technology research and development may be ad hoc committee members, but members of the permanent committee may not be a majority of an ad hoc committee.*

Subd. 4. [COMPENSATION.] *Members of the committee on science and technology research and development and of the ad hoc advisory committees receive no compensation but payment of their expenses is governed by section 15.059, subdivision 6.*

Subd. 5. [PEER REVIEW PLANS.] *A state agency, board, commission, authority, or institution that funds scientifically and technologically related research shall establish a peer review system to evaluate the research. The committee on science and technology research and development shall recommend guidelines for establishing effective peer review. An agency, board, commission, authority, or institution that funds scientifically and technologically related research shall, at least biennially, present to the committee on science and technology research and development or to ad hoc committees, as determined by the committee on science and technology research and development, a review and evaluation of the peer review process used in that organization.*

Subd. 6. [AUTHORITY TO PERFORM REQUESTED EVALUATIONS.] *The governor, commissioner or director of the office of science and technology, speaker of the house of representatives, house of representatives minority leader, senate majority leader, senate minority leader, chair of the house of representatives appropriations committee, chair of the senate finance committee, or a member of the legislature considering the introduction or approval of legislation containing funding for scientifically and technologically related research and development, may request the committee on science and technology research and development to evaluate a loan or grant made or to be made or the proposed legislation for funding scientifically and technologically related research and development to determine (1) whether it complies with the guidelines required by section 1, clause (2), item (ii); (2) whether it is technically feasible; and (3) for development proposals, whether the proposal appears to have the potential for economic development. Ad hoc committees may be appointed by the committee on science and technology research and development to perform these reviews.*

Subd. 7. [AUTHORITY FOR REVIEW AND COMMENT UPON RESEARCH AND DEVELOPMENT PROGRAMS.] *Each agency, board, commission, authority or institution receiving an appropriation for the funding of scientifically and technologically related research and development must notify the office of science and technology within 60 days of making a loan or grant for scientifically or technologically related research and development. The notice shall contain a summary of the nature of and significant objectives of the research and development project funded by a grant or loan. The notice must also include information on the size and timing of previous grants or loans and anticipated additional funding needs. The committee on science and technology research and development shall, at least once each biennium, review scientifically and technologically related research funded by a state agency, board, commission, authority, or institution to assess whether or not the research and development is*

conducted in accordance with the guidelines required by section 1, clause (2), item (ii). The committee's assessment shall be sent to the legislature on or before January 15 of every odd-numbered year.

Subd. 8. [STAFF APPOINTMENTS.] The director of the office of science and technology shall appoint those staff members necessary to perform the functions of the science and technology division. The director shall appoint in the unclassified service an executive director of the committee on science and technology research and development, who shall report to the director. The executive director must hold a post-baccalaureate degree in scientific or technologically related studies, or demonstrate experience in technological policy formulation.

Sec. 3. [RESEARCH LINE ITEMS REQUIRED.]

The commissioner of finance shall establish budget objects of expenditure that specifically identify money used for scientifically and technologically related research and development.

Sec. 4. [INITIAL APPOINTMENTS.]

Notwithstanding section 2, subdivision 1, the governor shall make the following initial appointments: the first chair to serve from July 1, 1987, to January 1, 1990; three members to serve from July 1, 1987, to January 1, 1993; three members to serve from July 1, 1987, to January 1, 1991; and two members to serve from July 1, 1987, to January 1, 1989.

Sec. 5. [REPEALER.]

Minnesota Statutes 1986, section 116J.94, is repealed."

Delete the title and insert:

"A bill for an act relating to economic development; providing for review of state-funded scientific and technologically related research; creating an office of science and technology within the department of energy and economic development; creating a committee on science and technology research and development and providing for its powers and duties; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1986, section 116J.94."

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

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

H.F. No. 1419: A bill for an act relating to human rights; changing certain procedures in cases before the department of human rights; providing for access to case files; amending Minnesota Statutes 1986, sections 363.05, subdivision 1; 363.06, subdivisions 1 and 4; 363.061; and 363.071, subdivisions 1, 1a, and 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 1986, section 3.922, subdivision 6, is amended to read:

Subd. 6. [DUTIES.] The primary duties of the council shall be to:

(1) clarify for the legislature and state agencies the nature of tribal governments, the relationship of tribal governments to the Indian people of Minnesota;

(2) assist the secretary of state in establishing an election of at large members of the council;

(3) make recommendations to members of the legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community;

(4) provide, through the elected apparatus of the council, an effective conduit for programs, proposals and projects to the legislature submitted by tribal governments, organizations, committees, groups or individuals;

(5) provide a continuing dialogue with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies and governmental due process;

(6) assist in establishing Indian advisory councils in cooperation with state agencies delivering services to the Indian community;

(7) assist state agencies in defining what groups, organizations, committees, councils or individuals are eligible for delivery of their respective services;

(8) assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;

(9) act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota;

(10) assist state agencies in the implementation and updating of studies of services delivered to the Indian community;

(11) provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials;

(12) interreact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people, insofar as they affect state agencies and departments; and

(13) act as an intermediary, when requested and if necessary between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise;

(14) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship, and to coordinate and cooperate with local, state, and national private agencies providing services to the Indian people;

(15) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for the benefit of Indian persons who have been, are, or will be subject to prejudice and discrimination; and

(16) cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of Indians.

Sec. 2. Minnesota Statutes 1986, section 363.05, subdivision 1, is amended to read:

Subdivision 1. [FORMULATION OF POLICIES.] The commissioner shall formulate policies to effectuate the purposes of this chapter and shall:

(1) exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

(2) ~~cooperate and consult with appropriate commissioners and agencies in developing plans and programs to most effectively serve the needs of Indians, to assist women and to fulfill the purposes of this chapter;~~

(3) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(4) (3) meet and function at any place within the state;

(5) (4) employ ~~such hearing examiners,~~ attorneys, clerks and other employees and agents as the commissioner may deem necessary and prescribe their duties;

(6) (5) to the extent permitted by federal law and regulation, utilize the records of the department of jobs and training of the state when necessary to effectuate the purposes of this chapter;

(7) (6) obtain upon request and utilize the services of all state governmental departments and agencies;

(8) (7) adopt suitable rules for effectuating the purposes of this chapter;

(9) (8) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(10) (9) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question; ~~authorize hearing examiners to exercise the authority conferred by this clause;~~

(11) (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(12) ~~conduct research and study discriminatory practices;~~

(13) ~~publish and distribute the results of research and study when in the judgment of the commissioner the purposes of this chapter, will be served thereby;~~

(14) (11) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs the commissioner deems necessary;

(15) (12) make a written report of the activities of the commissioner to the governor each year and to the legislature by November 15 of each even-numbered year;

(16) (13) accept gifts, bequests, grants or other payments public and private to help finance the activities of the department;

(17) (14) create such local and statewide advisory committees as will in the commissioner's judgment aid in effectuating the purposes of the department of human rights;

(18) appoint a hearing examiner to preside at a public hearing on any

complaint;

(19) (15) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, familial status, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(20) (16) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

(21) (17) provide staff services to such advisory committees as may be created in aid of the functions of the department of human rights;

(22) (18) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; but no grant in aid shall be made without first obtaining the advice and consent of the board; and

(23) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for the benefit of those persons theretofore and hereafter subject to prejudice and discrimination;

(24) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship; and to coordinate and cooperate with local, state and national and private agencies providing services to the Indian people; and

(25) (19) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363.03, subdivision 9.

In performing these duties, the commissioner shall give priority to those duties in clauses (8), (9), and (10) and to the duties in section 363.073.

Sec. 3. Minnesota Statutes 1986, section 363.06, subdivision 1, is amended to read:

Subdivision 1. [CHARGE FILING ACTIONS.] Any person aggrieved by a violation of this chapter may bring a civil action as provided in section 363.14, subdivision 1, clause (a), or may file a verified charge with the commissioner or the commissioner's designated agent, stating. *A charge filed with the commissioner must be in writing on a form provided by the commissioner and signed by the charging party. The charge must state the name and address of the person alleged to have committed an unfair discriminatory practice, setting and set out a summary of the details of the practice complained of and, if applicable, providing. The commissioner may require a charging party to provide the address of the person alleged to have committed the unfair discriminatory practice, names of witnesses, documents, and any other information required by the commissioner necessary to process the charge.* The commissioner may dismiss a charge when the charging party fails to provide required information. The commissioner within five ten days of the filing shall serve a copy of the charge and a request for a response and a form for use in responding to the charge upon the respondent personally or by registered or certified mail. After the

filing of a charge the commissioner shall notify the charging party in writing of any change in the status of the charge. A copy of the notice shall be mailed to the respondent. The respondent shall file with the department a written response to the charge within 20 days of receipt of the charge.

Sec. 4. Minnesota Statutes 1986, section 363.06, subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] (1) Consistent with clause (7), the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when a charge alleges actual or threatened physical violence. The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges.

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

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

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

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

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

(e) (c) a significant number of recent charges have been filed against the respondent;

(f) (d) the respondent is a government entity;

(g) the charge is supported by substantial documentation, witnesses, or other evidence

(h) there is potential for broadly promoting the policies of this chapter;
or

(i) the charge is supported by substantial and credible documentation, witnesses, or other evidence.

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

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

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

request for reconsideration, and shall within ten days notify in writing the charging party and respondent of the decision to reaffirm or reverse.

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

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and the respondent's attorney if the respondent is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before ~~a hearing examiner~~ *an administrative law judge* at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

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

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

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

(7) The commissioner may adopt policies to determine which charges

are processed and the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

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

Sec. 5. Minnesota Statutes 1986, section 363.071, is amended to read:

363.071 [HEARINGS.]

Subdivision 1. [CONDUCT OF HEARINGS.] A complaint issued by the commissioner shall be heard as a contested case, except that the report of the ~~hearing examiner~~ *administrative law judge* shall be binding on all parties to the proceeding and if appropriate shall be implemented by an order as provided for in subdivision 2. The hearing shall be conducted at a place designated by the commissioner, within the county where the unfair discriminatory practice occurred or where the respondent resides or has a principal place of business. The hearing shall be conducted in accordance with sections 14.57 to 14.62, and is subject to appeal in accordance with sections 14.63 to 14.68.

Subd. 1a. [HEARINGS 180 DAYS AFTER CHARGE.] At any time after 180 days from the filing of a charge, if there has been neither a finding of probable cause nor of no probable cause, the charging party may file a request with the commissioner to appear at a hearing on the party's own behalf or through a private attorney. *The amount of time during which a case is involved in significant settlement negotiations, is being investigated by another enforcement agency under a work sharing agreement, or has been referred to mediation or to a local human rights commission for no fault grievance processing is not counted in computing the 180 days. Tolling of the time during settlement negotiations requires written approval of the charging party or the party's attorney. The right of a charging party to file a request for hearing does not apply in cases that have been certified as complex by the commissioner within 60 days of the filing of the charge. A case may not be certified as complex unless it involves multiple parties or issues, presents complex issues of law or fact, or presents substantially new issues of law in the discrimination area. Within five days of certifying a case as complex, the commissioner shall give notice of the certification to the charging party and the respondent. The commissioner shall make a determination of probable cause or no probable cause within one year of the filing of a case in which the time has not been counted or a case certified as complex.* Upon receipt of the request, the commissioner shall review the documents and information held in the department's files concerning the charge and shall release to the charging party and respondent all documents and information that ~~is~~ *are* accessible to the charging party and respondent under sections 13.01 to 13.87. The commissioner shall forward the request for hearing to the office of administrative hearings, which shall promptly set the matter for hearing. If the charging party prevails at this hearing, the ~~hearing examiner~~ *administrative law judge* may require the respondent to reimburse the charging party for reasonable attorney's fees.

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] The ~~hearing examiner~~ *administrative law judge* shall make findings of fact and conclusions of law, and if the ~~hearing examiner~~ *administrative law judge*

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

(a) employment, the ~~examiner~~ *administrative law judge* may order the hiring, reinstatement or upgrading of an aggrieved party, who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or admission to or participation in an apprenticeship training program, on-the-job training program, or other retraining program, or any other relief the ~~examiner~~ *administrative law judge* deems just and equitable.

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

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

Subd. 3. [DISMISSAL OF HEARING.] If the ~~examiner~~ *administrative*

law judge makes findings of fact, conclusions of law, and an order in favor of the respondent, ~~such the~~ order shall be a final decision of the department.

Subd. 4. [RESPONDENTS SUBJECT TO STATE LICENSING OR REGULATORY POWER.] In the case of a respondent which is subject to the licensing or regulatory power of the state or any political subdivision or agency thereof, if the ~~hearing examiner~~ *administrative law judge* determines that the respondent has engaged in a discriminatory practice, and if the respondent does not cease to engage in such discriminatory practice, the commissioner may so certify to the licensing or regulatory agency. Unless such determination of discriminatory practice is reversed in the course of judicial review, a final determination is binding on the licensing or regulatory agency. Such agency may take appropriate administrative action, including suspension or revocation of the respondent's license or certificate of public convenience and necessity, if ~~such the~~ agency is otherwise authorized to take such action.

Subd. 5. [PUBLIC CONTRACTS.] In the case of a respondent which is a party to a public contract, if the ~~hearing examiner~~ *administrative law judge* determines that the respondent has engaged in a discriminatory practice, the commissioner may so certify to the contract letting agency. Unless ~~such the~~ finding of a discriminatory practice is reversed in the course of judicial review, a final determination is binding on the contract letting agency and ~~such the~~ agency may take appropriate administrative action, including the imposition of financial penalties or termination of the contract, in whole or in part, if ~~such the~~ agency is otherwise authorized to take ~~such the~~ action.

Subd. 6. [SUBPOENAS.] After the issuance of a complaint pursuant to section 363.06, subdivision 4, a charging party or a respondent may request that the ~~hearing examiner~~ *administrative law judge* issue subpoenas requiring the presence of witnesses or the production for examination of books or papers not privileged and relevant to any matter in question at the hearing."

Delete the title and insert:

"A bill for an act relating to human rights; requiring the Indian affairs council to develop certain programs; changing certain procedures in cases before the department of human rights; amending Minnesota Statutes 1986, sections 3.922, subdivision 6; 363.05, subdivision 1; 363.06, subdivisions 1 and 4; and 363.071."

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

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

S.F. No. 858: A bill for an act relating to health; providing for asbestos regulation; directing the commissioner of health to regulate and license persons or entities enclosing, removing, or encapsulating asbestos; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Page 3, line 21, delete "A licensed" and insert "An"

Page 4, line 8, delete "a licensee" and insert "an employer"

Page 4, line 10, delete everything after the period

Page 4, delete lines 11 to 13

Page 4, line 36, delete the comma

Page 5, line 1, delete "before July 1, 1988,"

Page 9, delete sections 14 and 15 and insert:

"Sec. 14. [APPROPRIATIONS.]

\$23,800 is appropriated from the general fund to the commissioner of health for purposes of sections 1 to 13, to be available for the fiscal year ending June 30, 1988. \$23,800 must be transferred from the asbestos abatement revolving fund to the general fund on June 30, 1989.

Sec. 15. [EFFECTIVE DATES.]

Sections 1, 2, 5, 8, 9, and 12 to 14 are effective July 1, 1987. Sections 3; 4; 6, subdivisions 1 and 2; 7; 10; and 11 are effective on the date on which rules adopted by the commissioner under section 9 become effective. Section 6, subdivisions 3 and 4, are effective April 1, 1988."

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

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

S.F. No. 1524: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [VETERANS BONUS CLAIMS; APPROPRIATIONS; GENERAL FUND.]

Subdivision 1. [GENERALLY.] The sums set forth in this section are appropriated from the general fund to the persons named in subdivisions 2, 3, and 4 in full and final payment of claims against the state for adjusted compensation arising from World War II, the Korean conflict and Vietnam service.

Subd. 2. [WORLD WAR II.] Robert E. Amundson, 320 Northwest 4th Avenue, Faribault, Minnesota 55021 _____ \$245.

Subd. 3. [KOREAN CONFLICT.] Robert E. Amundson, 320 Northwest 4th Avenue, Faribault, Minnesota 55021 _____ \$180.

Frank H. Bellanger, Box 367, Cass Lake, Minnesota 56633 _____ \$97.50.

David Hoff, Route 2, Box 140, Cohasset, Minnesota 55721 _____ \$90.

Walter R. Kaisler, Route 3, Cambridge, Minnesota 55008 _____ \$45.

Calvin E. Peterson, Box 9, Tri-Court Motel, East Highway 12, Willmar, Minnesota 56201 _____ \$195.

Richard E. Swan, 714 8th Street South, Moorhead, Minnesota 56560 - \$97.50.

Floyd E. Thorpe, 500 Home Street, Apartment 25B, Fairmont, Minnesota 56031 _____ \$105.

Louis C. Welter, 1681 Euclid, St. Paul, Minnesota 55106 _____ \$165.

Subd. 4. [VIETNAM SERVICE.] Robert E. Becker, 314 North Van Buren Street, Springfield, Minnesota 56087 _____ \$600.

Toshi K. Behrendt (beneficiary), Route 78, Box 198, 606 3rd Street, Pine River, Minnesota 56474 _____ \$300.

Steven P. Brandt, 718 Oakdale Avenue, St. Paul, Minnesota 55107 _____ \$105.

Raymond D. Campbell, Jr., 15679 220th Street North, Scandia, Minnesota 55073 _____ \$100.

Bruce E. Cook, Rural Route 1, Box 127A, Mountain Iron, Minnesota 55768 _____ \$500.

William E. Dwyer, 768 East Orange Avenue, St. Paul, Minnesota 55106 \$300.

Lonny L. Gohde, Route 1, Box 267, Sarona, Wisconsin 54870 _____ \$585.

Joseph L. Goulet, 3119 4th Street North, Apartment 1, Minneapolis, Minnesota 55411 _____ \$300.

John E. Hanson, 3004 3rd Avenue Southwest, Grand Rapids, Minnesota 55744 _____ \$300.

Dennis H. Huot, 3402 Cedar Avenue South, Minneapolis, Minnesota 55407 _____ \$300.

Steven G. Johnson, Route 2, Box 157, St. Charles, Minnesota 55972 _____ \$255.

Jack E. Keefer, Jr., 20 North 3rd Street, Long Prairie, Minnesota 56347 _____ \$210.

Robert D. Keto, 12900 Pilgrim Lane, Champlin, Minnesota 55316 _____ \$100.

Reuben D. Kort, 918 Lindburg Drive, Little Falls, Minnesota 56345 _____ \$600.

William F. Loll, P. O. Box 1052, Eyota, Minnesota 55934 _____ \$150.

Gerald E. May, 1311 South Arago, Peoria, Illinois 61605 _____ \$600.

Margaret A. McLain, 2610 Woodland Avenue, Duluth, Minnesota 55803 _____ \$300.

Steven S. Nowlan, 5730 Camden Avenue North, Brooklyn Center, Minnesota 55430 _____ \$300.

Joseph C. Olson, 534 Forest Street, St. Paul, Minnesota 55106 _____ \$600.

Steven R. Olson, 4224 Winnetka Avenue North, Apartment 206, New Hope, Minnesota 55428 _____ \$100.

Dennis W. Pooler, 516 Walnut Street, Petaluma, California 94952 _____ \$300.

Garrett I. Raasch, Grove City, Minnesota 56243 _____ \$600.

Michael D. St. Dennis, 2958 Queen Avenue North, Minneapolis, Minnesota 55411 _____ \$120.

Arlen G. Simi, 2268 26th Avenue South, St. Cloud, Minnesota 56301 _____ \$300.

Phyllis J. Strader (beneficiary), Rural Route 1, Wheaton, Minnesota 56296 _____ \$1,000.

Gary B. Stranberg, 13201 Pierce Street Northeast, Blaine, Minnesota 55434 _____ \$465.

Wayne L. Svare, 327 8th Avenue South, St. Cloud, Minnesota 56301 _____ \$300.

David H. Swaggert, 6515 Corvallis Avenue North, Minneapolis, Minnesota 55428 _____ \$600.

Michael L. Thesenvitz, 2068 Temple Court, St. Paul, Minnesota 55104 _____ \$600.

Sec. 2. [CLAIMS OF DEPARTMENT OF CORRECTIONS.]

There is appropriated from the general fund to the department of corrections \$269.16 for calendar year 1985 and \$357.66 for calendar year 1986 to reimburse the department for money expended for medical expenses incurred by individuals under the jurisdiction of the department who were injured while performing community service work in instances where insurance coverage did not apply.

Sec. 3. [TRUNK HIGHWAY FUND CLAIMS.]

Subdivision 1. The sum set forth in this section is appropriated from the trunk highway fund to the commissioner of transportation for payment to the person named in this section in full and final payment of claims against the state. This appropriation is available until June 30, 1988.

Subd. 2. Lillian J. Rehak, 222 Duke Street, St. Paul, Minnesota 55102, for well damage in 1985 resulting from highway construction on the route of Interstate 35E _____ \$13,000.00."

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

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

S.F. No. 536: A bill for an act relating to environment; establishing a petroleum tank release cleanup program; authorizing state action to prevent or correct health and environmental damage resulting from releases from petroleum storage tanks; establishing a petroleum tank release cleanup fund; establishing a petroleum tank release compensation board; authorizing reimbursement from the fund; requiring rulemaking; providing for administration by the pollution control agency and the department of commerce; requiring certification of tank installers; appropriating money; amending Minnesota Statutes 1986, sections 116.46, by adding subdivisions; 116.47; and 116.48, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 116; proposing coding for new law as Minnesota Statutes, chapter 115C.

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

as follows:

Page 1, line 28, delete "*established under section 7*"

Page 1, line 30, delete "*cleanup*" and insert "*clean up*"

Page 2, line 4, delete "*established under section 8*"

Page 2, line 8, delete everything after the period

Page 2, line 16, delete "*and*" and insert "*, or*"

Page 2, line 24, delete "*and*" and insert "*or*"

Page 2, line 28, before "*town*" insert "*a*"

Page 3, line 7, delete "*for transporting*" and insert "*to transport*"

Page 3, line 15, delete "*(a)*"

Page 3, line 22, delete the paragraph coding and delete "*(b) If*" and insert "*When*"

Page 3, line 23, delete "*under paragraph (a)*"

Page 4, line 33, delete "*any*"

Page 4, line 34, delete "*any*" and insert "*a*"

Page 5, line 30, delete "*any*" and insert "*a*"

Page 6, lines 13 and 18, delete "*shall*" and insert "*must*"

Page 6, line 27, delete "*under*" and insert "*in*"

Page 6, line 32, delete "*the department of*"

Page 7, delete lines 15 to 19 and insert:

"*Subdivision 1. [REVENUE SOURCES.] Revenue from the following sources must be deposited in the state treasury and credited to a petroleum tank cleanup fund:*"

Page 7, line 20, delete "*4*" and insert "*3*"

Page 7, delete lines 32 to 36 and insert:

"*Subd. 2. [IMPOSITION OF FEE.] The board shall notify the commissioner of revenue if the unexpended balance of the fund falls below \$1,000,000, and the commissioner of revenue shall impose the fee established in subdivision 3, within 60 days of receiving notice from the board.*"

Page 8, delete lines 1 and 2

Page 8, line 6, delete "*shall*" and insert "*must*"

Renumber the subdivisions in sequence

Page 9, line 25, delete "*continuously*"

Page 10, line 7, delete "*continuously*"

Page 12, line 7, delete "*4*" and insert "*3*"

Page 12, delete lines 11 to 24 and insert:

"*Subdivision 1. [PETROLEUM TANK RELEASE CLEANUP FUND.] (a) \$719,200 is appropriated from the general fund for transfer to the petroleum tank release cleanup fund.*"

(b) The amount appropriated in paragraph (a) is appropriated from the petroleum tank release cleanup fund and must be transferred to the general fund by June 30, 1988.

Subd. 2. [POLLUTION CONTROL AGENCY.] (a) The following amounts are appropriated from the petroleum tank release cleanup fund for the fiscal years indicated:

	1988	1989
Pollution Control Agency		
Administration	\$386,400	\$397,500
Corrective/Investigative		
Action Costs	\$250,000	\$350,000"

Page 12, line 25, delete "shall" and insert "must"

Page 12, line 26, delete "under" and insert "in"

Page 13, delete lines 5 to 16 and insert:

	"1988	1989
Department of Commerce		
Administration	\$82,800	\$55,400

The approved complement of the department of commerce is increased by two positions."

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

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

H.F. No. 715 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.
715	1161				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 715 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 715 and insert the language after the enacting clause of S.F. No. 1161, the first engrossment; further, delete the title of H.F. No. 715 and insert the title of S.F. No. 1161, the first engrossment.

And when so amended H.F. No. 715 will be identical to S.F. No. 1161, and further recommends that H.F. No. 715 be given its second reading and substituted for S.F. No. 1161, 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. 1542 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.
1542	1412				

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. 236 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.
				236	247

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 236 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 236 and insert the language after the enacting clause of S.F. No. 247, the second engrossment; further, delete the title of H.F. No. 236 and insert the title of S.F. No. 247, the second engrossment.

And when so amended H.F. No. 236 will be identical to S.F. No. 247, and further recommends that H.F. No. 236 be given its second reading and substituted for S.F. No. 247, 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. 14 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.
				14	393

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. 834 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.
834	879				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 834 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 834 and insert the language after the enacting clause of S.F. No. 879, the second engrossment; further, delete the title of H.F. No. 834 and insert the title of S.F. No. 879, the second engrossment.

And when so amended H.F. No. 834 will be identical to S.F. No. 879, and further recommends that H.F. No. 834 be given its second reading and substituted for S.F. No. 879, 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. Willet from the Committee on Environment and Natural Resources, to which were referred the following appointments as reported in the Journal for April 9, 1987:

DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER

Joseph Alexander

WASTE MANAGEMENT BOARD

Howard A. Andersen

John E. Boland

William G. Kirchner

Ernest Lund

Linda Peck

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

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

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for February 26, 1987:

MINNESOTA WATER RESOURCES BOARD

Georgia Holmes

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

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

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for March 30, 1987:

**WASTE MANAGEMENT BOARD
CHAIR**

Joe Pavelich

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

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

Mr. Willet from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for March 19, 1987:

MINNESOTA POLLUTION CONTROL AGENCY

Arnold Onstad

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

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

Mr. Pehler from the Committee on Education, to which was referred the following appointment as reported in the Journal for April 15, 1987:

COUNCIL ON QUALITY EDUCATION

Helen M. Johnson

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

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

Mr. Pehler from the Committee on Education, to which was referred the following appointment as reported in the Journal for March 12, 1987:

DEPARTMENT OF EDUCATION
COMMISSIONER

Ruth Randall

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

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

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 2, 1987:

STATE BOARD OF EDUCATION

Patricia A. Allen

Ruth A. Myers

John C. Plocker

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

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

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 26, 1987:

STATE BOARD OF EDUCATION

Alan T. Zdon

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Donald C. Ingram

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

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

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 23, 1987:

STATE BOARD FOR COMMUNITY COLLEGES

Clarence E. Harris

Ruth Herring

Erin McCabe

BOARD OF VOCATIONAL TECHNICAL EDUCATION

EB. Daniel

JoAnn Cardenas Enos

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

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

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 12, 1987:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

John Young, Jr.

Milton Radjenovich

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

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

Mr. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for January 29, 1987:

WORKERS' COMPENSATION COURT OF APPEALS

Manuel J. Cervantes

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

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

Mr. Chmielewski from the Committee on Employment, to which were referred the following appointments as reported in the Journal for March 12, 1987:

**DEPARTMENT OF LABOR AND INDUSTRY
COMMISSIONER**

Raymond Bohn

**BUREAU OF MEDIATION SERVICES
DIRECTOR**

Paul Goldberg

**OFFICE OF FULL PRODUCTIVITY AND OPPORTUNITY
COORDINATOR**

Keith Ford

WORKERS' COMPENSATION COURT OF APPEALS

Paul V. Rieke

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

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

Mr. Chmielewski from the Committee on Employment, to which was referred the following appointment as reported in the Journal for April 2, 1987:

**DEPARTMENT OF JOBS AND TRAINING
COMMISSIONER**

Joseph Samargia

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1345, 514, 832, 867, 908, 1008, 1113, 1202, 405, 834, 487, 892, 1112, 1203, 1437, 858, 1524 and 536 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1054, 1419, 715, 1542, 236, 14 and 834 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Spear moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1199. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1390 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1390: A bill for an act relating to utilities; providing for representation of small business by attorney general in certain proceedings relating to utility rates, service, and other matters; amending Minnesota Statutes 1986, section 8.33.

Mr. Marty moved to amend H.F. No. 1390 as follows:

Page 3, after line 16, insert:

"Sec. 2. Minnesota Statutes 1986, section 237.01, subdivision 2, is amended to read:

Subd. 2. [TELEPHONE COMPANY.] "Telephone company," means and applies to any person, firm, association or any corporation, private or municipal, owning or operating any telephone line or telephone exchange for hire, wholly or partly within this state, or furnishing any telephone service to the public.

A "telephone company" does not include a radio common carrier as defined in subdivision 4. A telephone company which also conforms with the definition of a radio common carrier is subject to regulation as a telephone company. However, none of chapter 237 applies to telephone company activities which conform to the definition of a radio common carrier.

A telephone company does not include a coin telephone business as defined under section 3.

Sec. 3. Minnesota Statutes 1986, section 237.01, is amended by adding a subdivision to read:

Subd. 6. [COIN TELEPHONE BUSINESS.] "Coin telephone business" means a person, firm, association, or corporation that furnishes telephone service to the public solely by means of a customer-owned, coin-operated telephone set connected to the lines or transmission facilities of a telephone company, or other customer-owned telephone set provided to the public that requires payment for each local call made that is connected to the lines or transmission facilities of a telephone company.

Sec. 4. [237.245] [CHANGE, AMENDMENT, RESCISSION OF ORDERS.]

The commission may at any time, on its own motion or upon motion of an interested party, and upon notice to the telephone company and after opportunity to be heard, rescind, alter or amend an order fixing rates, tolls, charges or schedules, or any other order made by the commission, and may reopen a case following the issuance of an order in the case, for the taking of further evidence or for any other reason. An order rescinding, altering, amending, or reopening a prior order has the same effect as an original order.

Sec. 5. [237.48] [COIN AND PAY TELEPHONES; REQUIREMENTS.]

Subdivision 1. [SCOPE.] Except as provided in this section, chapter 237 does not apply to a coin telephone business or to the provision of coin-operated or other public pay telephones by a telephone company.

Subd. 2. [SERVICES PROVIDED.] A coin telephone business and a telephone company for coin-operated or other public pay telephones it provides shall offer telephone service that:

- (1) provides access for local telephone calls of unlimited duration;*
- (2) permits long-distance telephone calls through any interexchange carrier; and*
- (3) without charge and without requiring the use of a coin, permits telephone calls:*
 - (i) to an operator; and*
 - (ii) to 911 emergency telephone service; or*
 - (iii) in an area that does not have 911 emergency telephone service, to emergency telephone service.*

Subd. 3. [MAXIMUM CHARGE.] The commission may by order establish a maximum per-call rate for coin-operated and other public pay telephones.

Subd. 4. [REQUIRED INFORMATION DISPLAYED.] On or near the coin-operated or other public pay telephones must be a statement conveying the owner of the telephone, the procedure for reporting service difficulties, the method of obtaining customer refunds, and a statement comparing the owner's charges for long-distance calls to those of the largest interstate long-distance telephone company doing business in Minnesota. The statement must either declare that the owner's charges are the same or less

than those of the largest interstate long-distance telephone company, or must state the percentage by which the owner's charges exceed that company's charges.

Subd. 5. [LOCAL TELEPHONE COMPANIES.] The commission may require a telephone company to provide coin-operated telephones in certain locations within the areas served by the telephone company, and provide for a maximum per-call rate for those coin-operated telephones.

Subd. 6. [PENALTY.] A coin telephone business or telephone company that violates subdivisions 1 to 5 is guilty of a petty misdemeanor."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "permitting the public utilities commission to reopen certain cases; imposing certain minimum requirements for public pay telephones;"

Page 1, line 6, delete "section" and insert "sections" and before the period, insert "; and 237.01, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237"

Mr. Benson questioned whether the amendment was germane. The President ruled that the amendment was not germane.

H.F. No. 1390 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R.D.	Schmitz
Anderson	Diessner	Kroening	Morse	Spear
Beckman	Frank	Laidig	Novak	Storm
Belanger	Frederick	Langseth	Olson	Stumpf
Benson	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bertram	Frederickson, D.R.	Lessard	Piper	Vickerman
Brandl	Freeman	Luther	Pogemiller	Waldorf
Brataas	Gustafson	Marty	Purfeerst	Wegscheid
Chmielewski	Hughes	McQuaid	Ramstad	Willet
Cohen	Johnson, D.E.	Merriam	Reichgott	
Dahl	Johnson, D.J.	Metzen	Renneke	
DeCramer	Jude	Moe, D.M.	Samuelson	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 953 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 953: A bill for an act relating to real property; providing for payment of property taxes for the year in which property is conveyed; proposing coding for new law in Minnesota Statutes, chapter 507.

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 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.I.	Novak	Schmitz
Anderson	Diessner	Jude	Olson	Spear
Beckman	Frank	Knaak	Pehler	Storm
Belanger	Frederick	Kroening	Peterson, D.C.	Stumpf
Benson	Frederickson, D.I.	Laidig	Piper	Taylor
Bertram	Frederickson, D.R.	Larson	Pogemiller	Vickerman
Brataas	Freeman	Luther	Ramstad	Waldorf
Chmielewski	Gustafson	Marty	Reichgott	Wegscheid
Cohen	Hughes	McQuaid	Renneke	Willet
Dahl	Johnson, D.E.	Moe, D.M.	Samuelson	

Messrs. Brandl and Merriam voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 946 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 946: A bill for an act relating to human services; altering allocation of federal fiscal disallowances based on error rates; amending Minnesota Statutes 1986, section 256.01, 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 41 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Peterson, D.C.	Spear
Beckman	Diessner	Laidig	Peterson, R.W.	Storm
Belanger	Frank	Lantry	Piper	Vickerman
Benson	Frederickson, D.I.	Luther	Ramstad	Waldorf
Berglin	Freeman	Marty	Reichgott	Wegscheid
Brataas	Gustafson	McQuaid	Renneke	
Chmielewski	Hughes	Moe, D.M.	Samuelson	
Dahl	Jude	Olson	Schmitz	
DeCramer	Knaak	Pehler	Solon	

Those who voted in the negative were:

Anderson	Frederick	Johnson, D.E.	Mehrkins	Taylor
Bernhagen	Frederickson, D.R.	Larson	Morse	Willet
Bertram				

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 345 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 345: A bill for an act relating to local government; allowing certain cities to appropriate money for advertising; amending Minnesota Statutes 1986, section 465.56, 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McQuaid	Schmitz
Anderson	Dicklich	Jude	Mehrkins	Solon
Beckman	Diessner	Knaak	Moe, D.M.	Spear
Belanger	Frank	Kroening	Morse	Storm
Benson	Frederick	Laidig	Pehler	Taylor
Bernhagen	Frederickson, D.J.	Lantry	Piper	Vickerman
Bertram	Frederickson, D.R.	Larson	Pogemiller	Waldorf
Brataas	Freeman	Luther	Ramstad	Wegscheid
Chmielewski	Hughes	Marty	Samuelson	Willet

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 529 at 12:30 p.m.:

Messrs. Stumpf, Novak, Brandl, Pogemiller and Johnson, D.J. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Waldorf moved that the following members be excused for a Conference Committee on S.F. No. 1515 at 1:00 p.m.:

Messrs. Waldorf, Dicklich, Hughes, Taylor and Johnson, D.E. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1223 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1223: A bill for an act relating to Morrison county; removing special qualifications for newspapers; repealing Laws 1980, chapter 526.

Mr. Samuelson moved to amend H.F. No. 1223, the unofficial engrossment, as follows:

Page 2, line 26, strike "before January 1" and insert "*between October 1 and December 31*"

Page 2, line 32, delete "*at least 120*" and insert "*not more than 180*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1223 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Novak	Storm
Anderson	Frederick	Larson	Olson	Taylor
Beckman	Frederickson, D.J.	Luther	Pehler	Vickerman
Benson	Frederickson, D.R.	Marty	Piper	Waldorf
Bernhagen	Freeman	McQuaid	Purceerst	Wegscheid
Bertram	Hughes	Mehrkins	Renneke	Willet
Brataas	Johnson, D.E.	Merriam	Samuelson	
DeCramer	Jude	Metzen	Schmitz	
Dicklich	Knaak	Moe, R.D.	Solon	
Diessner	Kroening	Morse	Spear	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 81 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 81: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller; providing that the first comptroller would be elected in 1990; transferring the powers, responsibilities, and duties of the state auditor, the secretary of state, and the state treasurer to the state comptroller.

CALL OF THE SENATE

Mr. Pogemiller imposed a call of the Senate for the balance of the proceedings on S.F. No. 81. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Laidig moved to amend S.F. No. 81 as follows:

Page 1, line 22, reinstate the stricken "secretary of state" and delete "*comptroller*"

Page 2, lines 2 and 13, reinstate the stricken "secretary of state" and delete "*comptroller*"

Page 2, line 30, reinstate the stricken "secretary of state,"

Page 3, lines 12, 20, and 34, reinstate the stricken "secretary of state,"

Page 3, line 27, reinstate the stricken "secretary of state"

Page 3, line 28, delete "*comptroller*"

Page 6, lines 5 and 6, reinstate the stricken "secretary of state"

Page 6, line 22, reinstate the stricken "secretary of state" and delete "*comptroller*"

Page 6, line 29, delete the first comma and insert "and"

Page 6, lines 29 and 30, delete ", and secretary of state"

Page 6, line 35, delete ", the secretary of state,"

Amend the title as follows:

Page 1, line 11, delete ", the secretary of state,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Brandl	Laidig	Morse	Piper
Benson	Dahl	Marty	Novak	Renneke
Berglin	Hughes	McQuaid	Pehler	Storm
Bernhagen	Knaak	Merriam	Peterson, R. W.	

Those who voted in the negative were:

Adkins	Cohen	Frederickson, D.R.	Luther	Ramstad
Beckman	Davis	Freeman	Moe, D.M.	Reichgott
Belanger	DeCramer	Johnson, D.J.	Moe, R.D.	Schmitz
Bertram	Diessner	Jude	Olson	Vickerman
Brataas	Frank	Kroening	Peterson, D.C.	Wegscheid
Chmielewski	Frederickson, D.J.	Lantry	Pogemiller	Willet

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

S.F. No. 81 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.E.	Peterson, D.C.	Stumpf
Anderson	Dicklich	Johnson, D.J.	Piper	Taylor
Beckman	Diessner	Kroening	Pogemiller	Vickerman
Belanger	Frank	Lantry	Ramstad	Waldorf
Berglin	Frederickson, D.J.	Luther	Reichgott	Wegscheid
Bertram	Frederickson, D.R.	Marty	Samuelson	Willet
Chmielewski	Freeman	Moe, D.M.	Schmitz	
Cohen	Gustafson	Moe, R.D.	Solon	
Davis	Hughes	Olson	Spear	

Those who voted in the negative were:

Benson	Brataas	Laidig	Morse	Peterson, R.W.
Bernhagen	Jude	McQuaid	Novak	Renneke
Brandl	Knaak	Merriam	Pehler	Storm

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1191 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1191: A bill for an act relating to utilities; authorizing the public utilities commission to order refunds to reflect the impact of the Tax Reform Act.

Mr. Frank moved to amend S.F. No. 1191 as follows:

Page 1, delete lines 11 and 12

Page 1, line 13, delete "(c)" and insert "(b)"

Page 1, line 15, delete "(d)" and insert "(c)"

Page 1, line 18, delete "216B.17 or"

Page 1, line 19, delete "public utility or"

CALL OF THE SENATE

Mr. Marty imposed a call of the Senate for the balance of the proceedings on S.F. No. 1191. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Frank amendment.

The roll was called, and there were yeas 29 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Brandl	Gustafson	Larson	Samuelson
Anderson	Brataas	Hughes	McQuaid	Solon
Belanger	Diessner	Jude	Olson	Storm
Benson	Frank	Knaak	Pehler	Stumpf
Bernhagen	Frederick	Knutson	Ramstad	Wegscheid
Bertram	Frederickson, D.R.	Laidig	Renneke	

Those who voted in the negative were:

Beckman	Dicklich	Luther	Morse	Pogemiller
Cohen	Frederickson, D.J.	Marty	Peterson, D.C.	Schmitz
Dahl	Johnson, D.J.	Merriam	Peterson, R.W.	Spear
DeCramer	Kroening	Moe, R.D.	Piper	Vickerman

The motion prevailed. So the amendment was adopted.

S.F. No. 1191 was read the third time, as amended, and placed on its final passage.

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

Mr. Benson moved that those not voting be excused from voting. The motion did not prevail.

The roll was called, and there were yeas 24 and nays 32, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	Marty	Peterson, D.C.	Spear
Cohen	Hughes	Merriam	Peterson, R.W.	Stumpf
Dahl	Johnson, D.J.	Moe, D.M.	Piper	Waldorf
Davis	Lantry	Moe, R.D.	Pogemiller	Willet
Dicklich	Luther	Morse	Schmitz	

Those who voted in the negative were:

Adkins	Brandl	Frederickson, D.R.	McQuaid	Storm
Anderson	Brataas	Gustafson	Olson	Taylor
Beckman	Chmielewski	Johnson, D.E.	Pehler	Vickerman
Belanger	Diessner	Jude	Ramstad	Wegscheid
Benson	Frank	Knutson	Renneke	
Bernhagen	Frederick	Laidig	Samuelson	
Bertram	Frederickson, D.J.	Larson	Solon	

So the bill, as amended, failed to pass.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Luther moved that the following members be excused for a Conference Committee on S.F. No. 282 at 3:00 p.m.:

Messrs. Luther, Kroening, Purfeerst, Mmes. Lantry and McQuaid. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 234 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 234: A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; prohibiting cost of parental leave from increasing unemployment insurance experience rating; amending Minnesota Statutes 1986, section 268.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 181.

Mrs. Brataas moved to amend H.F. No. 234, the unofficial engrossment, as follows:

Page 2, line 6, delete "*must*" and insert "*may*"

Page 2, line 9, delete "*within 90 days of birth*"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Ms. Peterson, D.C. imposed a call of the Senate for the balance of the proceedings on H.F. No. 234. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Benson moved to amend H.F. No. 234, the unofficial engrossment, as follows:

Page 3, delete section 4

Page 3, line 21, delete "187.97" and insert "181.96"

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

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

Those who voted in the affirmative were:

Adkins	Brataas	Knutson	Merriam	Storm
Anderson	Frederick	Laidig	Metzen	Taylor
Belanger	Frederickson, D.R.	Langseth	Olson	Vickerman
Benson	Gustafson	Larson	Purfeerst	Wegscheid
Berg	Johnson, D.E.	Lessard	Ramstad	
Bernhagen	Jude	McQuaid	Renneke	
Bertram	Knaak	Mehrkins	Schmitz	

Those who voted in the negative were:

Beckman	DeCramer	Johnson, D.J.	Pehler	Spear
Berglin	Dicklich	Lantry	Peterson, D.C.	Stumpf
Brandl	Diessner	Luther	Peterson, R.W.	Willet
Chmielewski	Frank	Marty	Piper	
Cohen	Frederickson, D.J.	Moe, D.M.	Pogemiller	
Dahl	Freeman	Moe, R.D.	Reichgott	
Davis	Hughes	Novak	Samuelson	

The motion prevailed. So the amendment was adopted.

Ms. Reichgott moved to amend H.F. No. 234, the unofficial engrossment, as follows:

Page 3, after line 15, insert:

"Sec. 4. [181.96] [USE OF SICK LEAVE.]

An employee may use sick leave benefits for absences due to illness of a minor or dependent child not to exceed ten days per year on the same terms that the employee may use sick leave benefits for the employee's own illness."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 32 and nays 26, as follows:

Those who voted in the affirmative were:

Beckman	DeCramer	Kroening	Novak	Schmitz
Berglin	Dicklich	Lantry	Pehler	Spear
Brandl	Diessner	Luther	Peterson, D.C.	Stumpf
Chmielewski	Frank	Marty	Peterson, R.W.	Willet
Cohen	Frederickson, D.J.	Moe, D.M.	Piper	
Dahl	Freeman	Moe, R.D.	Pogemiller	
Davis	Hughes	Morse	Reichgott	

Those who voted in the negative were:

Adkins	Bertram	Jude	Merriam	Taylor
Anderson	Brataas	Knaak	Olson	Vickerman
Belanger	Frederick	Knutson	Purfeerst	
Benson	Frederickson, D.R.	Laidig	Ramstad	
Berg	Gustafson	Larson	Renneke	
Bernhagen	Johnson, D.E.	McQuaid	Storm	

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend H.F. No. 234, the unofficial engrossment, as follows:

Page 2, delete lines 5 to 9

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

H.F. No. 234 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Moe, R.D.	Solon
Anderson	Davis	Johnson, D.J.	Morse	Spear
Beckman	DeCramer	Jude	Novak	Storm
Benson	Dicklich	Knaak	Pehler	Stumpf
Berglin	Diessner	Kroening	Peterson, D.C.	Taylor
Bernhagen	Frank	Laidig	Peterson, R.W.	Vickerman
Bertram	Frederick	Luther	Piper	Wegscheid
Brandl	Frederickson, D.J.	Marty	Pogemiller	Willet
Brataas	Freeman	McQuaid	Ramstad	
Chmielewski	Gustafson	Merriam	Reichgott	
Cohen	Hughes	Moe, D.M.	Schmitz	

Messrs. Frederickson, D.R.; Larson; Ms. Olson and Mr. Renneke voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1083 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1083: A bill for an act relating to government liability; authorizing municipal insurers to settle tort claims; clarifying that instrumentalities of municipalities incorporated as nonprofit corporations may be included in the self insurance pool; amending Minnesota Statutes 1986, sections 466.06; 466.08; and 471.98, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Morse	Renneke
Anderson	DeCramer	Kroening	Novak	Schmitz
Beckman	Dicklich	Laidig	Olson	Solon
Belanger	Diessner	Lantry	Pehler	Spear
Bernhagen	Frank	Larson	Peterson, D.C.	Storm
Bertram	Frederick	Luther	Peterson, R.W.	Stumpf
Brandl	Frederickson, D.J.	Marty	Piper	Vickerman
Chmielewski	Frederickson, D.R.	McQuaid	Pogemiller	Willet
Cohen	Hughes	Merriam	Ramstad	
Dahl	Jude	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1207 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1207: A bill for an act relating to real property; altering certain redemption periods; amending Minnesota Statutes 1986, section 580.23, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Moe, R.D.	Reichgott
Anderson	Davis	Knaak	Morse	Renneke
Beckman	DeCramer	Kroening	Novak	Samuelson
Belanger	Diessner	Laidig	Olson	Schmitz
Benson	Frank	Lantry	Pehler	Solon
Bernhagen	Frederick	Larson	Peterson, D.C.	Storm
Bertram	Frederickson, D.J.	Lessard	Peterson, R.W.	Stumpf
Brandl	Frederickson, D.R.	Luther	Piper	Vickerman
Brataas	Freeman	McQuaid	Pogemiller	Willet
Chmielewski	Gustafson	Mehrkins	Purfeerst	
Cohen	Hughes	Merriam	Ramstad	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 652 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 652: A bill for an act relating to agriculture; providing a computerized filing system and central data base for uniform commercial code financing statements and lien statements; imposing a penalty; appropriating money; amending Minnesota Statutes 1986, section 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 336.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Novak	Schmitz
Anderson	Davis	Laidig	Olson	Solon
Beckman	DeCramer	Lantry	Pehler	Spear
Belanger	Frank	Larson	Peterson, D.C.	Storm
Benson	Frederick	Lessard	Peterson, R.W.	Stumpf
Bernhagen	Frederickson, D.J.	Marty	Piper	Vickerman
Bertram	Frederickson, D.R.	McQuaid	Pogemiller	Willet
Brandl	Freeman	Mehrkens	Purfeerst	
Brataas	Gustafson	Merriam	Ramstad	
Chmielewski	Hughes	Moe, R.D.	Reichgott	
Cohen	Jude	Morse	Renneke	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 532 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 532: A bill for an act relating to public safety; motorized bicycles; establishing standards for the safe operation of motorized bicycles; amending Minnesota Statutes 1986, sections 65B.001, by adding a subdivision; 65B.43, subdivision 13; 168.011, subdivision 27; 169.01, subdivision 4a; 169.223; 171.01, subdivision 20; and 171.02, subdivision 3.

Mr. DeCramer moved to amend H.F. No. 532, the unofficial engrossment, as follows:

Page 2, lines 6 and 16, after "a" insert "*piston displacement*" and strike "less than" and strike "piston" and insert "*or less*"

Page 2, lines 7 and 17, strike "displacement"

Page 3, line 27, after "a" insert "*piston displacement*" and strike "less than" and strike "piston" and insert "*or less*"

Page 3, line 28, strike "displacement"

The motion prevailed. So the amendment was adopted.

H.F. No. 532 was then progressed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1472 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1472: A bill for an act relating to traffic regulations; requiring certain persons convicted of DWI or a DWI-related offense and certain juveniles adjudicated for a DWI offense to undergo chemical use assessment; imposing a chemical dependency assessment charge on persons convicted of DWI or a DWI-related offense, and juveniles adjudicated for a DWI offense for the purpose of financing these chemical use assessments; appropriating money; amending Minnesota Statutes 1986, sections 169.121, subdivision 5, and by adding a subdivision; 169.124; 169.125; 169.126, subdivisions 1, 2, 3, 4, 6, and by adding subdivisions; and 260.193, subdivision 8; repealing Minnesota Statutes 1986, section 169.126, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Merriam	Reichgott
Anderson	Davis	Kroening	Metzen	Renneke
Beckman	DeCramer	Laidig	Moe, D.M.	Samuelson
Belanger	Diessner	Langseth	Moe, R.D.	Schmitz
Benson	Frank	Lantry	Morse	Spear
Berglin	Frederick	Larson	Olson	Storm
Bernhagen	Frederickson, D.J.	Lessard	Pehler	Vickerman
Bertram	Frederickson, D.R.	Luther	Peterson, D.C.	Willet
Brataas	Freeman	Marty	Peterson, R.W.	
Chmielewski	Gustafson	McQuaid	Piper	
Cohen	Jude	Mehrkens	Ramstad	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 200, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 200 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

CONFERENCE COMMITTEE REPORT ON H.F. NO. 200

A bill for an act relating to abuse and neglect reporting; providing a standard for the disclosure of a reporter's name under the child abuse reporting act and the vulnerable adults reporting act; amending Minnesota

Statutes 1986, sections 626.556, subdivision 11; and 626.557, subdivision 12.

May 7, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 200, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Kathleen O. Vellenga, Kathleen A. Blatz, Phil Carruthers

Senate Conferees: (Signed) Linda Berglin, Donna C. Peterson, Jim Ramstad

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on H.F. No. 200 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 200 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Merriam	Ramstad
Anderson	Davis	Kroening	Metzen	Reichgott
Beckman	DeCramer	Laidig	Moe, D.M.	Renneke
Belanger	Diessner	Langseth	Moe, R.D.	Samuelson
Benson	Frank	Lantry	Morse	Schmitz
Berglin	Frederick	Larson	Olson	Solon
Bernhagen	Frederickson, D.J.	Lessard	Pehler	Spear
Bertram	Frederickson, D.R.	Luther	Peterson, D.C.	Storm
Brataas	Freeman	Marty	Peterson, R.W.	Vickerman
Chmielewski	Gustafson	McQuaid	Piper	Willet
Cohen	Jude	Mehrkins	Purfeerst	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 168 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 168

A bill for an act relating to human rights; clarifying certain provisions relating to discrimination in the extension of credit because of sex or marital status; amending Minnesota Statutes 1986, section 363.03, subdivision 8.

May 4, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 168, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Ember D. Reichgott, Allan H. Spear, Donald A. Storm

House Conferees: (Signed) David T. Bishop, Connie Morrison, Dee Long

Ms. Reichgott moved that the foregoing recommendations and Conference Committee Report on S.F. No. 168 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 168 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Dahl	Jude	Mehrkens	Ramstad
Anderson	Davis	Knaak	Merriam	Reichgott
Beckman	DeCramer	Kroening	Metzen	Renneke
Belanger	Diessner	Laidig	Moe, R.D.	Samuelson
Benson	Frank	Langseth	Morse	Schmitz
Berglin	Frederick	Lantry	Olson	Solon
Bernhagen	Frederickson, D.J.	Larson	Pehler	Spear
Bertram	Frederickson, D.R.	Lessard	Peterson, D.C.	Storm
Brataas	Freeman	Luther	Peterson, R.W.	Vickerman
Chmielewski	Gustafson	Marty	Piper	Willet
Cohen	Hughes	McQuaid	Purfeerst	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1152 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1152

A bill for an act relating to alcoholic beverages; limiting imports by individuals; maximum volume for volume prices; purchases by delinquent licensees; restricting employment of minors in nonintoxicating liquor premises; providing for inspections; amending Minnesota Statutes 1986, sections 297C.09; 340A.302, subdivision 1; 340A.312, subdivision 2; 340A.318, subdivisions 1 and 3; and 340A.411, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 340A.

May 7, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1152, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments.

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

Senate Conferees: (Signed) Sam G. Solon, Don Anderson

House Conferees: (Signed) Joel Jacobs, Paul Anders Ogren, Tony Bennett

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1152 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1152 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Moe, D.M.	Renneke
Anderson	Frank	Langseth	Moe, R.D.	Samuelson
Beckman	Frederick	Lantry	Morse	Schmitz
Benson	Frederickson, D.J.	Larson	Olson	Solon
Bernhagen	Frederickson, D.R.	Lessard	Pehler	Storm
Bertram	Freeman	Luther	Peterson, D.C.	Vickerman
Chmielewski	Gustafson	Marty	Peterson, R.W.	Willett
Cohen	Hughes	McQuaid	Piper	
Dahl	Jude	Mehrkins	Purfeerst	
Davis	Knaak	Merriam	Ramstad	
DeCramer	Kroening	Metzen	Reichgott	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 94 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 94

A bill for an act relating to public health; requiring an itemized billing for hearing aid repairs; amending Minnesota Statutes 1986, section 145.43, by adding a subdivision.

May 7, 1987

The Honorable Jerome M. Hughes
President of the Senate

The Honorable Fred C. Norton

Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 94, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 94 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 145.43, is amended by adding a subdivision to read:

Subd. 1b. [ITEMIZED REPAIR BILL.] (a) Any person or company who agrees to repair a hearing aid must provide the customer with a billing that specifically itemizes all parts and labor charges for services rendered. The bill must also include the person's or company's name, address, and phone number.

(b) This subdivision does not apply to:

(1) a person or company that repairs a hearing aid pursuant to an express warranty covering the hearing aid and the warranty covers the entire costs, both parts and labor, of the repair; and

(2) a person or company that repairs a hearing aid and the repair is expressly warranted for a period of at least one year, the warranty covers the entire costs, both parts and labor, of the repair, and a copy of the express warranty is given to the customer."

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

Senate Conferees: (Signed) Charles R. Davis, John J. Marty, Howard A. Knutson

House Conferees: (Signed) Jerry J. Bauerly, Jeff Bertram, Bernie Omann

Mr. Davis moved that the foregoing recommendations and Conference Committee Report on S.F. No. 94 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 94 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Moe, D.M.	Reichgott
Anderson	Frank	Langseth	Moe, R.D.	Samuelson
Beckman	Frederickson, D.J.	Lantry	Morse	Schmitz
Belanger	Frederickson, D.R.	Larson	Olson	Solon
Benson	Freeman	Luther	Pehler	Spear
Berglin	Gustafson	Marty	Peterson, D.C.	Storm
Bernhagen	Hughes	McQuaid	Peterson, R.W.	Vickerman
Bertram	Jude	Mehrkins	Piper	Willet
Dahl	Knaak	Merriam	Purfeerst	
Davis	Kroening	Meitzen	Ramstad	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 554, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 554 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

CONFERENCE COMMITTEE REPORT ON H.F. NO. 554

A bill for an act relating to natural resources; changing certain provisions relating to state park motor vehicle permits; amending Minnesota Statutes 1986, section 85.05, subdivision 2.

May 8, 1987

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H.F. No. 554, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 554 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [85.0501] [SPECIAL USES OF STATE PARKS.]

Subdivision 1. [RULES.] The commissioner may make rules for the use of state parks including:

(1) special parking space for automobiles or other motor-driven vehicles in a state park or state recreation area;

(2) special parking spurs, campgrounds for automobiles, sites for tent camping, and special auto trailer coach parking spaces, for the use of the individual charged for the space;

(3) improvement and maintenance of golf courses already established in state parks, and charging reasonable use fees;

(4) state park pageant areas that may be established in a state park to have historical or other pageants conducted by the commissioner of a state agency or other public agency; and

(5) providing water, sewer, and electric service to trailer or tent campsites

and charging a reasonable use fee.

Subd. 2. [STATE PARK PAGEANTS.] *The commissioner may stage state park pageants in a state park, municipal park, or on other land near or adjoining a state park and charge an entrance or use fee for the pageant. All receipts from the pageants must be used in the same manner as though the pageants were conducted in a state park.*

Subd. 3. [FEE FOR CERTAIN PARKING AND CAMPSITE USE.] *(a) An individual using spaces in state parks under subdivision 1, clause (2), shall be charged daily rates determined and set by the commissioner in a manner and amount consistent with the type of facility provided for the accommodation of guests in a particular park and with similar facilities offered for tourist camping and similar use in the area.*

(b) The fee for special parking spurs, campgrounds for automobiles, sites for tent camping, and special auto trailer coach parking spaces is one-half of the fee set in paragraph (a) on Sunday through Thursday of each week for:

(1) an individual age 65 or over who is a resident of the state and who furnishes satisfactory proof of age and residence;

(2) a physically handicapped person with a motor vehicle that has special plates issued under section 168.021, subdivision 1; or

(3) a physically handicapped person who possesses a certificate issued under section 169.345, subdivision 3.

Subd. 4. [DEPOSIT OF FEES.] *(a) Fees paid for special state park uses under this section shall be deposited in the state treasury and credited to the state park maintenance and operation account.*

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and be credited to the state park maintenance and operation account.

Sec. 2. [85.0502] [STATE PARK PERMITS.]

Subdivision 1. [FORM, ISSUANCE, VALIDITY.] *(a) The commissioner shall prepare and provide state park permits for each calendar year that state a motor vehicle may enter and use state parks, state recreation areas, and state waysides over 50 acres in area. State park permits must be available and placed on sale by October 1 of the year preceding the calendar year that the permit is valid.*

(b) A state park permit may be affixed when purchased and used from the time it is affixed until the end of the calendar year for which it is issued. State park permits in each category must be numbered consecutively for each year of issue.

(c) State park permits shall be issued by employees of the division of parks and recreation as designated by the commissioner.

Subd. 2. [REQUIREMENT.] *Except as provided in section 3, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. The state park permit must be affixed to the lower-right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield.*

Subd. 3. [SECOND VEHICLE PERMITS.] *The commissioner shall prescribe and issue second vehicle state park permits for persons who own more than one motor vehicle and who request a second permit for the second vehicle on a form prescribed by the commissioner. The commissioner may issue an applicant only one second vehicle permit.*

Subd. 4. [TWO-DAY PERMITS.] *The commissioner shall prescribe a special state park permit for use of state parks, state recreation areas, or state waysides up to two days under conditions prescribed by the commissioner.*

Subd. 5. [DAILY VEHICLE PERMIT FOR GROUPS.] *The commissioner may authorize special daily vehicle state park permits for groups by rule.*

Subd. 6. [EMPLOYEE'S PERMIT.] *(a) The commissioner shall prescribe and issue an employee's state park permit to state employees, peace officers, and contractors, that must enter areas where state park permits are required to perform official duties. An employee, peace officer, or contractor must display the special permit on the motor vehicle in the same manner as state park permits are displayed.*

(b) A motor vehicle displaying only an employee's state park permit may not enter a place where state park permits are required if the vehicle is used for purposes other than performing official duties.

Subd. 7. [HANDICAPPED PERSONS AND PERSONS OVER AGE 65.] *(a) The commissioner shall prescribe and issue special state park permits for:*

(1) an individual age 65 years or older who furnishes satisfactory proof of age and is a resident of the state;

(2) a physically handicapped person with a motor vehicle that has special plates issued under section 168.021, subdivision 1; and

(3) up to two days for a physically handicapped person who possesses a certificate issued under section 169.345, subdivision 3.

(b) The permit or the decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.

Sec. 3. [85.0503] [STATE PARK PERMIT EXEMPTIONS.]

Subdivision 1. [STATE PARK OPEN HOUSE DAY.] *(a) A state park permit is not required for a motor vehicle to enter a state park, state monument, state recreation area, or state wayside, on one day each calendar year, which the commissioner may designate as state park open house day. The commissioner may designate two consecutive days as state park open house day, if the open house is held in conjunction with a special pageant described in section 1, subdivision 2.*

(b) The commissioner shall announce the date of state park open house day at least 30 days in advance of the date it occurs.

(c) The state park open house day is to acquaint the public with state parks, recreation areas, and waysides.

Subd. 2. [FORT SNELLING MEMORIAL CHAPEL ISLAND.] *A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the Fort Snelling Memorial Chapel Island portion of Fort Snelling State Park.*

Subd. 3. [INTERSTATE PARK.] A Minnesota state park permit is not required at Interstate Park if a valid, current, Wisconsin state park permit or sticker authorizing entry of a motor vehicle into Wisconsin state parks is appropriately displayed on the vehicle and the commissioner has entered into an agreement with appropriate officials of the state of Wisconsin that authorizes motor vehicles displaying Minnesota state park permits free entry into Interstate State Park of Wisconsin on a reciprocal basis.

Sec. 4. [85.0504] [STATE PARK PERMIT FEES.]

Subdivision 1. [FEES.] The fee for state park permits for:

- (1) an annual use of state parks is \$15;*
- (2) a second vehicle state park permit is one-half the annual state park permit fee in clause (1);*
- (3) a special state park permit valid up to two days is \$3;*
- (4) a special daily vehicle state park permit for groups is as prescribed by the commissioner;*
- (5) an employee's state park permit is without charge;*
- (6) a special state park permit for handicapped persons and persons over age 65 under section 2, subdivision 7, clauses (1) and (2), is one-half the annual state park permit fee in clause (1) of this subdivision; and*
- (7) a special state park permit valid up to two days for handicapped persons and persons over age 65 under section 2, subdivision 7, clauses (1) and (3), is one-half of the special state park permit fee in clause (3) of this subdivision.*

Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees collected under this section shall be deposited in the state treasury and credited to the state park maintenance and operation account. Appropriations from the account shall be for state park maintenance and operation.

Sec. 5. [REPEALER.]

Minnesota Statutes 1986, section 85.05, is repealed.

Sec. 6. [EFFECTIVE DATE.]

This act is effective 30 days after final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; changing certain provisions relating to state park permits; authorizing and assessing fees for state park permits for second vehicles; authorizing a state park permit exemption for Interstate Park under reciprocal agreement with Wisconsin; proposing coding for new law in Minnesota Statutes, chapter 85; repealing Minnesota Statutes 1986, section 85.05."

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

House Conferees: (Signed) Thomas Rukavina, Willard Munger, Paul M. Thiede

Senate Conferees: (Signed) James C. Pehler, Steven Morse, Dennis R. Frederickson

Mr. Pehler moved that the foregoing recommendations and Conference Committee Report on H.F. No. 554 be now adopted, and that the bill be

repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 554 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Merriam	Ramstad
Anderson	DeCramer	Kroening	Metzen	Reichgott
Beckman	Diessner	Laidig	Moe, D.M.	Renneke
Belanger	Frank	Langseth	Moe, R.D.	Samuelson
Benson	Frederick	Lantry	Morse	Schmitz
Berglin	Frederickson, D.J.	Larson	Olson	Solon
Bernhagen	Frederickson, D.R.	Lessard	Pehler	Spear
Bertram	Freeman	Luther	Peterson, D.C.	Storm
Chmielewski	Gustafson	Marty	Peterson, R.W.	Vickerman
Cohen	Hughes	McQuaid	Piper	Willet
Dahl	Jude	Mehrkins	Purfeerst	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 378: A bill for an act relating to utilities; requiring owners of electric power lines to trim vegetation around lines; providing that failure to trim vegetation is a nuisance; proposing coding for new law in Minnesota Statutes, chapter 561.

There has been appointed as such committee on the part of the House: Jacobs, Quinn and Redalen.

Senate File No. 378 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

Mr. President:

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

S.F. No. 1: A bill for an act relating to economic development; rural development; renaming and providing powers to the agricultural resource loan guaranty board; establishing a mineral resources program; establishing duties for the community development division in the department of energy

and economic development; transferring the independent wastewater treatment grant program from the pollution control agency to the Minnesota public finance authority; changing the membership of the Minnesota job skills partnership board; establishing the rural development board; establishing the challenge grant program; establishing the customized training program; establishing the greater Minnesota corporation; establishing the state supplemental education grant program; establishing the Minnesota public finance authority; providing a program for revitalization of the cities of St. Paul and Minneapolis; creating a program for funding economic development projects in the taconite tax relief area; permitting investment of earnings of the northeast Minnesota economic protection trust in venture capital enterprises; appropriating money; amending Minnesota Statutes 1986, sections 15.039, by adding a subdivision; 16A.80, subdivision 2a; 41A.01; 41A.02, subdivisions 3, 4, 6, 11, and by adding subdivisions; 41A.05, subdivisions 1 and 2; 41A.08; 116.16, subdivisions 2, 4, 5, 9, and by adding subdivisions; 116.18, subdivisions 2a and 3a; 116J.36, subdivisions 2, 3b, 3c, 8, 8a, and 11; 116J.37, subdivision 1, and by adding a subdivision; 116J.955, subdivisions 1 and 2; 116L.03, subdivision 2; 281.17; 298.292; 298.296, subdivision 2; 462.384, subdivision 7; 462.385, subdivisions 1 and 3; 462.386, subdivision 1; 462.387, subdivisions 1, 3 and 4; 462.39, subdivisions 2 and 3; 462.391, subdivisions 2, 3 and 4; 462.395; 462.396; subdivision 1; 462.398; and 462.445, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 41A; 93; 116J; 116L; and 136A; proposing coding for new law as Minnesota Statutes, chapters 116N; 116P; and 446A; repealing Minnesota Statutes 1986, sections 116.167; 116J.951; 116J.961; 116J.965; 116M.01; 116M.02; 116M.03; 116M.04; 116M.05; 116M.06; 116M.07; 116M.08; 116M.09; 116M.10; 116M.11; 116M.12; 116M.13; 472.11, subdivisions 3, 5, 6, 7, 8, and 9; 472.12, subdivisions 2, 3, and 4; 472.125; 472.13, subdivisions 2, 3, and 4; and Laws 1969, chapters 833 and 984.

There has been appointed as such committee on the part of the House: Schoenfeld, Otis and Neunschwander.

Senate File No. 1 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1170:

H.F. No. 1170: A bill for an act relating to state government; prohibiting certain mandated leaves of absence for state employees; amending Minnesota Statutes 1986, section 43A.32, subdivision 2, and by adding a subdivision.

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

Welle, Osthoff and Knickerbocker have been appointed as such committee on the part of the House.

House File No. 1170 is herewith transmitted to the Senate with the request

that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Jude moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1170, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

The question recurred on H.F. No. 532.

SPECIAL ORDER

H.F. No. 532: A bill for an act relating to public safety; motorized bicycles; establishing standards for the safe operation of motorized bicycles; amending Minnesota Statutes 1986, sections 65B.001, by adding a subdivision; 65B.43, subdivision 13; 168.011, subdivision 27; 169.01, subdivision 4a; 169.223; 171.01, subdivision 20; and 171.02, subdivision 3.

Mr. Knaak moved to amend H.F. No. 532, the unofficial engrossment, as follows:

Page 3, line 21, after the period, insert "*This section does not permit the operation of a motorized bicycle on a bikeway or other lane that is reserved for the exclusive use of nonmotorized traffic.*"

The motion prevailed. So the amendment was adopted.

H.F. No. 532 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Adkins	Davis	Kroening	Moe, D.M.	Renneke
Anderson	DeCramer	Laidig	Moe, R.D.	Samuelson
Beckman	Diessner	Langseth	Morse	Schmitz
Belanger	Frank	Lantry	Novak	Solon
Benson	Frederick	Larson	Olson	Spear
Berg	Frederickson, D.J.	Lessard	Pehler	Storm
Berglin	Frederickson, D.R.	Luther	Peterson, D.C.	Vickerman
Bernhagen	Freeman	Marty	Peterson, R.W.	Willet
Bertram	Gustafson	McQuaid	Piper	
Chmielewski	Hughes	Mehrkens	Purfeerst	
Cohen	Jude	Merriam	Ramstad	
Dahl	Knaak	Metzen	Reichgott	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dahl moved that S.F. No. 1044 be taken from the table. The motion prevailed.

S.F. No. 1044: A bill for an act relating to education; providing for

combined seniority list of certain teachers in districts entering into agreements for secondary education unless otherwise negotiated; amending Minnesota Statutes 1986, sections 122.535, subdivision 2; and 122.541, subdivision 1.

RECONSIDERATION

Mr. Dahl moved that the vote whereby S.F. No. 1044 was passed by the Senate on May 6, 1987, be now reconsidered. The motion prevailed.

Mr. Dahl moved to amend S.F. No. 1044 as follows:

Page 2, line 4, delete "May" and insert "April"

Page 2, line 5, after "I" insert "in any year" and delete "who are" and after "districts" insert "who are teaching a subject or in a grade level that is covered by the agreement"

Page 2, line 11, after the period, insert "If more than two school districts enter into one agreement, the seniority provisions specified in this subdivision shall not apply to a school district that enrolls or sends fewer than 25 secondary pupils under the agreement."

The motion prevailed. So the amendment was adopted.

S.F. No. 1044 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 45 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	McQuaid	Piper
Belanger	Diessner	Knutson	Mehrkens	Purfeerst
Berg	Frank	Laidig	Merriam	Ramstad
Berglin	Frederickson, D.J.	Langseth	Moe, R.D.	Reichgott
Bertram	Frederickson, D.R.	Lantry	Morse	Schmitz
Chmielewski	Freeman	Larson	Olson	Spear
Cohen	Gustafson	Lessard	Pehler	Storm
Dahl	Hughes	Luther	Peterson, D.C.	Vickerman
Davis	Jude	Marty	Peterson, R.W.	Willet

Those who voted in the negative were:

Anderson	Benson	Bernhagen	Frederick	Renneke
Beckman				

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 830: A bill for an act relating to commerce; regulating nonrenewals and transfers of franchises; providing civil liability for unfair practices in relation to franchises; amending Minnesota Statutes 1986, sections 80C.14; and 80C.17, subdivision 1.

There has been appointed as such committee on the part of the House: Gruenes, Kelly and Dempsey.

Senate File No. 830 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 7:00 p.m. The motion prevailed.

The hour of 7:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 638:

H.F. No. 638: A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; and 206.80.

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

Minne, Kostohryz and Gutknecht have been appointed as such committee on the part of the House.

House File No. 638 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Dicklich moved that the Senate accede to the request of the House

for a Conference Committee on H.F. No. 638, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Peterson, R.W. introduced—

S.F. No. 1534: A bill for an act relating to health-care information; providing conditions for the disclosure of health-care information; enacting the Uniform Health-Care Information Act; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 143.

Referred to the Committee on Judiciary.

Mr. Peterson, R.W. introduced—

S.F. No. 1535: A bill for an act relating to collection and dissemination of data; enacting the uniform information practices code; repealing the government data practices act; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 13B; repealing Minnesota Statutes 1986, sections 13.01 to 13.90.

Referred to the Committee on Judiciary.

Mr. Johnson, D.J. introduced—

S.F. No. 1536: A bill for an act relating to state parks; adding Hill-Annex Mine state park to the state park system; specifying terms and conditions of acquisition; appropriating funds; amending Minnesota Statutes 1986, section 85.012, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. DeCramer introduced—

S.F. No. 1537: A bill for an act relating to natural resources; providing eligibility requirements for waterbank agreements; providing requirements for the director of the division of waters; requiring the director to maintain current wetland values; authorizing wetland authorities to establish, maintain, and develop wetlands; amending Minnesota Statutes 1986, sections 105.392; and 105.40; proposing coding for new law as Minnesota Statutes, chapter 105A.

Referred to the Committee on Agriculture.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 463 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 463: A bill for an act relating to commerce; providing enforcement powers; regulating securities; regulating the business of financial planning; restricting certain charges made by investment advisors and broker dealers; providing for the registration of securities; providing for disclosure of interest rate commitments; providing for the denial, suspension, and revocation of licenses and the censure of licensees; exempting the sale of certain stock of a closely-held corporation; exempting certain industrial revenue bond transactions; regulating real estate brokers and salespersons; prohibiting commission-splitting and rebating on timeshare and other recreational lands; providing for continuing education of brokers; regulating licensees acting as principals; regulating abandoned property; establishing a presumption of abandonment for certain profits or sums held by a co-operative; regulating the transfer and storage of abstracts of title to real property; transferring the powers and duties of the commissioner for the regulation of social and charitable organizations to the attorney general and providing for further regulation of such organizations; amending Minnesota Statutes 1986, sections 60A.17, subdivision 6c; 72A.27; 80A.06, subdivision 5; 80A.07, subdivision 1; 80A.09, subdivision 1; 80A.12, by adding a subdivision; 80A.14, subdivision 18; 80A.15, subdivisions 1 and 2; 80A.19, subdivision 1; 80A.23, subdivision 11; 80A.26, subdivision 3; 80C.17, subdivision 1; 82.17, subdivision 4; 82.19, subdivision 3; 82.21, subdivision 1; 82.22, subdivision 6; 82.24, subdivision 2; 82.34, subdivision 19; 308.12, by adding a subdivision; 309.50, subdivision 6; 309.515, subdivision 1; 309.52, subdivisions 1a and 2; 309.53, subdivisions 1a, 3, 4, and by adding a subdivision; 309.531; 309.533, by adding a subdivision; 309.54; 309.55, subdivision 6; 309.556; 309.56, subdivision 1; 309.57; 345.39; and 386.375; proposing coding for new law in Minnesota Statutes, chapters 45, 47, and 82; repealing Minnesota Statutes 1986, sections 72A.23; 72A.24; 72A.28; 80A.20; 80A.21; 80C.15; 80C.16, subdivision 1; 82.25; 82.26; 83.34; 83.35, subdivision 3; 238.085; 309.515, subdivision 3; 309.532; 309.533, subdivisions 2, 3, and 4; 309.534; 309.555; and 309.58.

Mr. Luther moved to amend S.F. No. 463 as follows:

Page 2, delete line 36

Page 3, delete lines 1 to 10 and insert:

"Subd. 2. [FIDUCIARY DUTY.] A person who represents that the person is a financial planner has a fiduciary duty to persons for whom services are performed for compensation. In an action for breach of fiduciary duty, a person may recover actual damages resulting from the breach, together with costs and disbursements, including reasonable costs of investigation and attorney fees."

The motion prevailed. So the amendment was adopted.

Mr. Luther then moved to amend S.F. No. 463 as follows:

Page 7, after line 15, insert:

"Sec. 4. [45.028] [FINANCIAL STATEMENT.]

Wherever used in chapters 45 to 83, or rules adopted thereunder, the term "certified" as applied to balance sheets, profit and loss statements or other financial statements shall be construed as meaning an audited financial statement prepared in accordance with generally accepted accounting principles that has been examined by an independent certified public accountant for the purpose of expressing an opinion. The opinion by the certified public accountant shall contain a statement that it fairly represents the financial position of the organization or person."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. moved to amend S.F. No. 463 as follows:

Page 47, after line 7, insert:

"Subd. 6. [OFFER TO TRANSFER.] Any person holding an abstract of title pertaining to real estate located in Minnesota shall, before March 1, 1988, make a reasonable effort to contact the mortgagor or fee owner of the property and make a written offer to transfer the abstract of title to the mortgagor or fee owner. A person holding an abstract of title has made a reasonable effort to contact the mortgagor or fee owner if the person has sent an offer by United States mail, postage prepaid, to the last address of the mortgagor or fee owner shown in the person's records."

The motion prevailed. So the amendment was adopted.

S.F. No. 463 was then progressed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kroening moved that the following members be excused for a Conference Committee on H.F. No. 1315 at 7:30 p.m.:

Messrs. Kroening; Luther; Merriam; Moe, D.M. and Frederickson, D.R. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Berg moved that the following members be excused for a Conference Committee on S.F. No. 89 from 12:00 noon to 5:30 p.m.:

Messrs. Berg, Stumpf, Brandl, Davis and Frederickson, D.R. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

H.F. No. 654, which the committee recommends to pass, subject to the following motion:

Mr. Freeman moved that the amendment made to H.F. No. 654 by the Committee on Rules and Administration in the report adopted April 30, 1987, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 643, which the committee recommends to pass with the following amendment offered by Mr. Freeman:

Amend H.F. No. 643, as amended pursuant to Rule 49, adopted by the Senate April 20, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 539.)

Page 1, line 26, after "*abuse*" insert "*, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued*"

Page 3, line 35, after "*separation*" insert "*, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued*"

The motion prevailed. So the amendment was adopted.

S.F. No. 156, which the committee reports progress subject to the following motion:

Mr. Luther, for Mr. Spear, moved to amend S.F. No. 156 as follows:

Page 1, lines 21 and 22, delete "*to him or her*"

Page 2, line 7, delete "*such*"

Page 3, lines 34 and 35, delete "*to him or her*"

Page 6, line 10, delete "*therein*" and insert "*in the statute*"

Page 6, lines 21 and 28, delete "*thereafter*" and insert "*after that*"

Page 7, line 21, delete "*thereof*"

Page 7, line 29, delete "*he or she*" and insert "*the lessee*"

Page 7, line 36, delete "*his or her*" and insert "*the party's*"

Page 8, lines 2, 4, and 5, delete "*he or she*" and insert "*the party*"

Page 8, line 3, delete "*himself or herself*" and insert "*self*"

Page 9, line 27, delete "*such*" and insert "*the*" and delete "*therein*"

Page 10, line 22, delete "*such*"

Page 11, line 24, delete "*such a*" and insert "*this*"

Page 12, lines 8 and 11, delete "*therefrom*" and insert "*from the supply*"

contract"

Page 13, line 29, delete "*such as*" and insert "*goods that*"

Page 18, line 6, delete "*he or she*" and insert "*the lessee*"

Page 18, lines 7 and 28, delete "*his or her*" and insert "*the lessee's*"

Page 18, line 14, delete "*his or her*" and insert "*the lessor's or supplier's*"

Page 19, lines 29 and 32, delete "*he or she*" and insert "*the transferee*"

Page 20, line 13, delete "*him or her*" and insert "*the assignee*"

Page 20, line 22, delete "*his or her*" and insert "*the assignor's*"

Page 22, line 22, delete "*his or her*" and insert "*the person's*"

Page 25, line 8, delete "*thereafter*" and insert "*after that*"

Page 26, lines 19 and 20, delete "*his or her*" and insert "*the party's*"

Page 26, line 23, delete "*he or she*" and insert "*the party*"

Page 27, line 14, delete "*such*" and insert "*the*"

Page 27, line 33, delete "*his or her*" and insert "*the party's*"

Page 27, line 35, delete "*he or she*" and insert "*the party*"

Page 28, line 19, delete "*he or she*" and insert "*the insecure party*"

Page 30, lines 26 and 27, delete "*he or she*" and insert "*the lessor or supplier*"

Page 30, line 27, delete "*his or her*" and insert "*the lessor's or supplier's*"

Page 30, line 28, delete "*at his or her option*"

Page 30, lines 29 and 30, delete "*his or her own*" and insert "*other*"

Page 30, line 30, delete "*He or she*" and insert "*The lessor or supplier*"

Page 30, line 36, delete "*thus*"

Page 32, line 18, delete "*his or her*" and insert "*the party's*"

Page 33, lines 21 and 22, delete "*such*" and insert "*the*"

Page 33, line 28, delete "*his or her*" and insert "*the lessee's*"

Page 35, line 36, delete "*he or she*" and insert "*the party*"

Page 38, line 13, delete "*his or her*" and insert "*the lessee's*"

Page 38, line 22, delete "*he or she*" and insert "*the lessee*"

Page 38, line 26, delete "*such*" and insert "*a*"

Page 38, line 30, delete "*hereunder*"

Page 39, line 33, delete "*he or she*" and insert "*the lessor or supplier*"

Page 41, lines 18 and 22, delete "*he or she*" and insert "*the lessor or supplier*"

Page 41, line 19, delete "*him or her*" and insert "*the lessor or supplier*"

Page 42, line 2, delete "*he or she*" and insert "*the lessee*"

Page 47, line 3, delete "*such*"

Page 47, line 21, delete "*thereof*"

Page 50, lines 26 and 27, delete "*his or her*" and insert "*the party's*"

The motion prevailed. So the amendment was adopted.

S.F. No. 156 was then progressed.

On motion of Mr. Luther the report of the Committee of the Whole, as kept by the Secretary, was adopted.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pehler moved that the following members be excused for a Conference Committee on H.F. No. 753 at 8:00 p.m.:

Messrs. Pehler; DeCramer; Peterson, R.W.; Meses. Peterson, D.C. and Reichgott. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

The question recurred on S.F. No. 463.

SPECIAL ORDER

S.F. No. 463: A bill for an act relating to commerce; providing enforcement powers; regulating securities; regulating the business of financial planning; restricting certain charges made by investment advisors and broker dealers; providing for the registration of securities; providing for disclosure of interest rate commitments; providing for the denial, suspension, and revocation of licenses and the censure of licensees; exempting the sale of certain stock of a closely-held corporation; exempting certain industrial revenue bond transactions; regulating real estate brokers and salespersons; prohibiting commission-splitting and rebating on timeshare and other recreational lands; providing for continuing education of brokers; regulating licensees acting as principals; regulating abandoned property; establishing a presumption of abandonment for certain profits or sums held by a co-operative; regulating the transfer and storage of abstracts of title to real property; transferring the powers and duties of the commissioner for the regulation of social and charitable organizations to the attorney general and providing for further regulation of such organizations; amending Minnesota Statutes 1986, sections 60A.17, subdivision 6c; 72A.27; 80A.06, subdivision 5; 80A.07, subdivision 1; 80A.09, subdivision 1; 80A.12, by adding a subdivision; 80A.14, subdivision 18; 80A.15, subdivisions 1 and 2; 80A.19, subdivision 1; 80A.23, subdivision 11; 80A.26, subdivision 3; 80C.17, subdivision 1; 82.17, subdivision 4; 82.19, subdivision 3; 82.21, subdivision 1; 82.22, subdivision 6; 82.24, subdivision 2; 82.34, subdivision 19; 308.12, by adding a subdivision; 309.50, subdivision 6; 309.515, subdivision 1; 309.52, subdivisions 1a and 2; 309.53, subdivisions 1a, 3, 4, and by adding a subdivision; 309.531; 309.533, by adding a subdivision; 309.54; 309.55, subdivision 6; 309.556; 309.56, subdivision 1; 309.57; 345.39; and 386.375; proposing coding for new law in Minnesota Statutes, chapters 45, 47, and 82; repealing Minnesota Statutes 1986, sections 72A.23; 72A.24; 72A.28; 80A.20; 80A.21; 80C.15; 80C.16, subdivision 1; 82.25; 82.26; 83.34; 83.35, subdivision 3; 238.085; 309.515, subdivision 3; 309.532; 309.533, subdivisions 2, 3, and 4; 309.534; 309.555; and 309.58.

Mr. Frederick moved to amend S.F. No. 463 as follows:

Pages 7 and 8, delete section 4 and insert:

"Sec. 5. [47.206] [INTEREST RATE OR DISCOUNT POINT AGREEMENTS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Lender" means a person or entity referred to in section 47.20, subdivision 1, a credit union, or a person making a conventional loan as defined under section 47.20, subdivision 2, clause (3), or cooperative apartment loan as defined under section 47.20, subdivision 2, clause (4), except that conventional loans or cooperative apartment loans include any loan or advance of credit in an original principal balance of less than \$200,000.

(b) "Loan" means loans and advances of credit authorized under section 47.20, subdivision 1, clauses (1) to (4), and conventional loans as defined under section 47.20, subdivision 2, clause (3), or cooperative apartment loans as defined under section 47.20, subdivision 2, clause (4), except that conventional loans or cooperative apartment loans also include all loans and advances of credit in an original principal balance of less than \$200,000. "Loan" does not include a loan or advance of credit secured by a mortgage upon real property containing more than one residential unit or secured by a security interest in shares of more than one residential unit in a building owned or leased by a cooperative apartment corporation.

(c) "Borrower" means a natural person who has submitted an application for a loan to a lender.

(d) "Interest rate or discount point agreement" or "agreement" means a contract between a lender and a borrower under which the lender agrees, subject to the lender's underwriting and approval requirements, to make a loan at a specified interest rate or number of discount points, or both, and the borrower agrees to make a loan on those terms. The term also includes an offer by a lender that is accepted by a borrower under which the lender promises to guarantee or lock in an interest rate or number of discount points, or both, for a specific period of time.

Subd. 2. [DISCLOSURES.] A lender offering borrowers the opportunity to enter into an agreement in advance of closing shall disclose, in writing, to the borrowers at the time the offer is made: (1) a definite expiration date or term of the agreement, which may not be less than the reasonably anticipated closing date or time required to process, approve, and close the loan; (2) the circumstances, if any, under which the borrower will be permitted to close at a lower rate of interest or points than expressed in the agreement; (3) the steps required to process, approve, and close the loan, including the actions required of the borrower and lender; (4) that the agreement is enforceable by the borrower; and (5) the consideration required for the agreement.

Subd. 3. [AGREEMENTS TO BE IN WRITING.] A borrower or lender may not maintain an action on an agreement unless the agreement is in writing, expresses consideration, sets forth the relevant terms and conditions, and is signed by the borrower and the lender.

Subd. 4. [ORAL OFFERS AND ACCEPTANCES PROHIBITED.] A lender may not orally offer or induce a borrower to accept an agreement and a borrower may not be permitted to orally accept an agreement.

Subd. 5. [STATEMENT OF CURRENT TERMS NOT AN OFFER.] An oral or written statement of current loan terms and conditions, including interest rates and number of discount points, is not an offer or an inducement by a lender to enter into an agreement. A written statement of current loan terms and conditions must be accompanied by a disclaimer that the statement is not an offer to enter into an agreement and that an offer may only be made pursuant to subdivisions 3 and 4.

Subd. 6. [PROHIBITED ACTS.] A person, including a lender, may not advise, encourage, or induce a borrower or third party to misrepresent information that is the subject of a loan application or to violate the terms of the agreement.

Subd. 7. [PENALTIES.] (a) Except as provided in paragraph (c), a lender who violates this section or who causes unreasonable delay in processing a loan application beyond the expiration date of the agreement is liable to the borrower for a penalty in an amount not to exceed the borrower's actual out-of-pocket damages, including the present value of the increased interest costs over the normal life of the loan, or specific performance of the agreement. This paragraph applies to an agreement entered into after January 1, 1987.

(b) In addition to the penalty in paragraph (a), a lender is liable to the borrower for \$500 for each violation of this section or for unreasonable delay in processing a loan application.

(c) A lender who violates subdivision 4 is jointly and severally liable to the borrower for specific performance of the agreement or for a penalty in the amount of \$500 or an amount not to exceed the borrower's actual out-of-pocket damages, including the present value of the increased costs over the normal life of the loan, whichever is greater, due to the good faith reliance of the borrower on the lender's oral representation.

(d) For purposes of this subdivision, evidence of unreasonable delay includes, but is not limited to:

(1) failure of the lender to return telephone calls or otherwise respond to the borrower's inquiries concerning the status of the loan;

(2) the addition by the lender of new requirements for processing or approving the loan that were not disclosed to the borrower under subdivision 2, clause (3), unless the requirements result from governmental agency or secondary mortgage market changes, other than changes in interest rates, that occur after the date of the agreement; or

(3) failure by the lender to take actions necessary to process or approve the loan within a reasonable period of time, if the borrower provided information requested by the lender in a timely manner."

The motion prevailed. So the amendment was adopted.

Mr. Taylor moved to amend S.F. No. 463 as follows:

Page 47, after line 7, insert:

"Sec. 46. [508.405] [TRANSFER OF OWNER'S DUPLICATE.]

"Subdivision 1. [TRANSFER.] Any lender, title company, or person other than the fee simple owner or county registrar holding an owner's duplicate certificate of title to Minnesota real estate shall transfer the owner's duplicate certificate of title to the fee simple owner of the real

estate to which the duplicate certificate pertains before August 1, 1987. After August 1, 1987, no person other than the fee simple owner or county registrar may hold an owner's duplicate certificate of title except for settlement processing.

Subd. 2. [PENALTIES.] If any holder fails to comply with the requirements of subdivision 1, the registered owner may apply to the district court for an order directing the holder withholding the duplicate certificate of title to surrender it at the expense of the holder."

Page 47, line 29, after the period, insert "Section 43 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Frederickson, D.R. moved to amend S.F. No. 463 as follows:

Page 32, line 30, after "\$25,000" insert ", exclusive of operational expenses,"

Page 34, lines 6, 29, and 32, after "\$25,000" insert ", exclusive of operational expenses,"

Page 34, line 9, after "25,000" insert ", exclusive of operational expenses"

Page 34, line 19, after "\$25" insert "if the organization raised or expended, exclusive of operational expenses, more than \$25,000 during the previous 12-month period,"

Page 36, line 17, after "\$25,000" insert ", exclusive of operational expenses"

Page 36, line 29, after "section" insert "if the organization raised or expended, exclusive of operational expenses, more than \$25,000 during the previous 12-month period"

The motion prevailed. So the amendment was adopted.

S.F. No. 463 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Novak	Solon
Anderson	Diessner	Laidig	Olson	Storm
Beckman	Frank	Langseth	Peterson, D.C.	Stumpf
Benson	Frederick	Larson	Peterson, R.W.	Taylor
Berg	Frederickson, D.J.	Lessard	Piper	Vickerman
Bernhagen	Frederickson, D.R.	Luther	Purfeerst	Wegscheid
Bertram	Freeman	Marty	Ramstad	Willet
Brandl	Gustafson	McQuaid	Reichgott	
Brataas	Hughes	Metzen	Renneke	
Cohen	Jude	Morse	Schmitz	

Mr. Davis voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Luther moved that the Senate take up the General Orders Calendar. The motion prevailed.

SUSPENSION OF RULES.

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 905, 508, 587, 612 and H.F. Nos. 391 and 1417, which the committee recommends to pass.

H.F. No. 990, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Amend H.F. No. 990, as amended pursuant to Rule 49, adopted by the Senate May 1, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 1321.)

Page 1, line 20, after the period, insert "*Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.*"

Page 2, line 5, after the period, insert "*Any person who has received an order setting aside a conviction and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 187, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 187.

The roll was called, and there were yeas 33 and nays 27, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Gustafson	Mehrkens	Ramstad
Anderson	Davis	Kroening	Moe, D.M.	Reichgott
Berg	DeCramer	Langseth	Moe, R.D.	Schmitz
Bernhagen	Frederick	Lantry	Olson	Spear
Bertram	Frederickson, D.J.	Larson	Pehler	Willet
Brandl	Frederickson, D.R.	Lessard	Peterson, D.C.	
Brataas	Freeman	Luther	Peterson, R.W.	

Those who voted in the negative were:

Beckman	Dicklich	Knutson	Novak	Storm
Belanger	Diessner	Laidig	Piper	Vickerman
Benson	Frank	McQuaid	Pogemiller	Wegscheid
Berglin	Johnson, D.J.	Merriam	Purfeerst	
Cohen	Jude	Metzen	Renneke	
Dahl	Knaak	Morse	Samuelson	

The motion prevailed. So S.F. No. 187 was recommended to pass.

S.F. No. 717, which the committee recommends to pass with the following amendment offered by Mr. Berg:

Page 7, line 20, delete "*contaminates*" and insert "*will cause unreasonable adverse effects on*"

Page 27, line 35, delete "*covering the*"

Page 27, line 36, delete "*applicant's pest control activities*" and insert "*of a kind and*"

Page 30, line 18, delete everything after "*insurance*" and insert "*of the kind and in*"

The motion prevailed. So the amendment was adopted.

S.F. No. 841, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 841.

The roll was called, and there were yeas 37 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Spear
Beckman	Davis	Jude	Metzen	Stumpf
Berg	Dicklich	Knaak	Moe, R.D.	Vickerman
Berglin	Diessner	Langseth	Morse	Wegscheid
Bertram	Frank	Lantry	Novak	Willet
Brandl	Frederick	Lessard	Renneke	
Brataas	Frederickson, D.J.	Luther	Schmitz	
Chmielewski	Freeman	Marty	Solon	

The motion prevailed. So S.F. No. 841 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 663 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 663: A bill for an act relating to health; providing for disposition of the remains of human fetuses; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 145.

CALL OF THE SENATE

Mr. Chmielewski imposed a call of the Senate for the balance of the proceedings on H.F. No. 663. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Chmielewski moved that the amendment made to H.F. No. 663 by the Committee on Rules and Administration in the report adopted May 5, 1987, pursuant to Rule 49, be stricken.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 35 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Hughes	Langseth	Renneke
Anderson	Dahl	Johnson, D.J.	Lantry	Samuelson
Beckman	Davis	Jude	Lessard	Schmitz
Belanger	DeCramer	Knaak	Mehrkens	Stumpf
Berg	Frank	Knutson	Merriam	Vickerman
Bernhagen	Frederick	Kroening	Metzen	Wegscheid
Bertram	Frederickson, D.R.	Laidig	Pehler	Willet

Those who voted in the negative were:

Benson	Cohen	Marty	Novak	Reichgott
Berglin	Frederickson, D.J.	Moe, D.M.	Peterson, D.C.	Spear
Brandl	Freeman	Moe, R.D.	Peterson, R.W.	Storm
Brataas	Luther	Morse	Pogemiller	

The motion prevailed.

Mr. Diessner moved to amend H.F. No. 663 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [DISPOSAL OF REMAINS OF DEVELOPING HUMANS.]

The commissioner of health shall adopt rules under chapter 14 establishing respectful, dignified disposal methods for the remains of all developing humans that have attained at least the development stage of 12 weeks of gestation."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "requiring the commissioner to adopt rules establishing disposal methods for the remains of developing humans."

Page 1, delete lines 3 to 5

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

Mr. Cohen moved to amend H.F. No. 663 as follows:

Page 1, line 24, delete "at a hospital, clinic,"

Page 1, line 25, delete "or medical facility"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 38, as follows:

Those who voted in the affirmative were:

Berglin	Frederickson, D.J.	Morse	Peterson, R.W.	Spear
Brataas	Marty	Novak	Reichgott	
Cohen	Moe, D.M.	Peterson, D.C.	Solon	

Those who voted in the negative were:

Adkins	Chmielewski	Johnson, D.J.	Lessard	Schmitz
Anderson	Dahl	Jude	Luther	Storm
Beckman	Davis	Knaak	Merriam	Stumpf
Belanger	DeCramer	Knutson	Metzen	Vickerman
Benson	Frank	Kroening	Moe, R.D.	Waldorf
Berg	Frederick	Laidig	Pehler	Willet
Bernhagen	Frederickson, D.R.	Langseth	Renneke	
Bertram	Hughes	Lantry	Samuelson	

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

H.F. No. 663 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.J.	Lessard	Samuelson
Anderson	Dahl	Jude	Mehrkens	Schmitz
Beckman	Davis	Knaak	Merriam	Solon
Belanger	DeCramer	Knutson	Metzen	Stumpf
Benson	Frank	Kroening	Moe, R.D.	Vickerman
Berg	Frederick	Laidig	Pehler	Waldorf
Bernhagen	Frederickson, D.R.	Langseth	Reichgott	Wegscheid
Bertram	Hughes	Lantry	Renneke	Willet

Those who voted in the negative were:

Berglin	Dicklich	Luther	Novak	Spear
Brandl	Diessner	Marty	Peterson, D.C.	
Brataas	Frederickson, D.J.	Moe, D.M.	Peterson, R.W.	
Cohen	Freeman	Morse	Pogemiller	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 715 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 715: A bill for an act relating to unemployment compensation; regulating administration of unemployment compensation; providing for benefits and contribution rates; amending Minnesota Statutes 1986, sections 268.04, subdivisions 2, 4, 24, 25, and by adding subdivisions; 268.06, subdivisions 2, 3a, 8, and by adding a subdivision; 268.07, subdivisions 2, 2a, and 3; 268.071, subdivision 1; 268.08, subdivision 1; 268.10, subdivisions 1 and 2; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; 268.16, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1986, section 268.04, subdivisions 29 and 30.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 715 and that the rules of the Senate be so far suspended as to give H.F. No. 715, now on General Orders, its third reading and place it on its final passage.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 45 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Moe, D.M.	Samuelson
Beckman	DeCramer	Kroening	Moe, R.D.	Schmitz
Berg	Dicklich	Langseth	Morse	Solon
Berglin	Diessner	Lantry	Novak	Spear
Bertram	Frank	Lessard	Pehler	Stumpf
Brandl	Frederickson, D.J.	Luther	Peterson, D.C.	Vickerman
Chmielewski	Freeman	Marty	Peterson, R.W.	Waldorf
Cohen	Hughes	Merriam	Pogemiller	Wegscheid
Dahl	Johnson, D.J.	Metzen	Reichgott	Willett

Those who voted in the negative were:

Anderson	Bernhagen	Frederickson, D.R.	Laidig	Storm
Belanger	Brataas	Knaak	Mehrkens	Taylor
Benson	Frederick	Knutson	Renneke	

The motion prevailed.

Mr. Chmielewski moved to amend H.F. No. 715, as amended pursuant to Rule 49, adopted by the Senate May 13, 1987, as follows:

(The text of the amended House File is identical to S.F. No. 1161.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 268.04, subdivision 2, is amended to read:

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

(1) if an individual was compensated, as described above, for a loss of work of seven to 13 weeks, the original base period shall be extended to include one calendar quarter preceding the original base period; or

(2) if an individual was compensated, as described above, for a loss of work of 14 to 26 weeks, the original base period shall be extended to include two calendar quarters preceding the original base period; or

(3) if an individual was compensated, as described above, for a loss of work of 27 to 39 weeks, the original base period shall be extended to

include the first three calendar quarters preceding the original base period; or

(4) if an individual was compensated, as described above, for a loss of work of 40 to 52 weeks, the original base period shall be extended to include the first four quarters preceding the original base period; or

(b) if the commissioner finds that, during the base period described above, the individual has insufficient wage credits to establish a valid claim, the individual may request a determination of validity using an alternate base period of the last four completed calendar quarters preceding the first day of an individual's benefit year. This alternate base period may be used by an individual only once during any five calendar year period to establish a valid claim.

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

No base period, extended base period, or alternate base period under paragraph (b) shall include wage credits upon which a claim was established and benefits were paid with respect to that valid claim.

Sec. 2. Minnesota Statutes 1986, section 268.04, subdivision 4, is amended to read:

Subd. 4. "Benefit year" with respect to any individual means the period of 52 calendar weeks beginning with the first day of the first week with respect to which the individual files a valid claim for benefits. *For individuals with a claim effective January 1, April 1, July 1, or October 1, the benefit year will be a period of 53 weeks beginning with the first week with respect to which the individual files a valid claim for benefits.*

Sec. 3. Minnesota Statutes 1986, section 268.04, subdivision 24, is amended to read:

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

Sec. 4. Minnesota Statutes 1986, section 268.04, is amended by adding a subdivision to read:

Subd. 25a. [WAGES PAID.] "Wages paid" means the amount of wages which have been actually paid or which have been credited to or set apart for the employee so that payment and disposition is under the control of the employee. *Wage payments delayed beyond their regularly scheduled pay date are considered "actually paid" on the missed pay date. Any wages earned but not paid with no scheduled date of payment shall be considered "actually paid" on the last day services are performed in employment before separation.*

Wages paid shall not include wages earned but not paid except as provided for in this subdivision.

Sec. 5. Minnesota Statutes 1986, section 268.04, subdivision 26, is amended to read:

Subd. 26. [WAGE CREDITS.] "Wage credits" mean the amount of wages ~~actually or constructively paid, wages overdue and delayed beyond the~~

usual time of payment and back pay paid by or from an employer to an employee for insured work and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer except that wages earned in part-time employment by a student as an integral part of an occupational course of study, under a plan for vocational education accepted by the Minnesota department of education, shall not result in wage credits available for benefit purposes paid within the base period for insured work.

Sec. 6. Minnesota Statutes 1986, section 268.04, is amended by adding a subdivision to read:

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

Sec. 7. Minnesota Statutes 1986, section 268.04, is amended by adding a subdivision to read:

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

Sec. 8. Minnesota Statutes 1986, section 268.04, is amended by adding a subdivision to read:

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

Sec. 9. Minnesota Statutes 1986, section 268.06, subdivision 2, is amended to read:

Subd. 2. [RATES.] Each employer shall pay contributions equal to two and seven-tenths percent for each calendar year prior to 1985 and 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from the employer with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. Each employer who has an experience ratio of less than one-tenth of one percent shall pay contributions on only the first \$8,000 in wages paid and wages overdue and delayed beyond the usual time of payment to each employee with respect to employment occurring during each calendar year.

Sec. 10. Minnesota Statutes 1986, section 268.06, subdivision 3a, is amended to read:

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

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

immediately preceding July 1 of each year by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

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

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

(c) Not exceeding 5-4/10 percent; that is the higher of (1) one percent and (2) the state's five-year benefit cost rate for the 60 consecutive month period immediately preceding July 1, 1984 and of each year thereafter for each employer, except employers in the construction industry, as determined by the commissioner who becomes subject to this law on January 1, 1985 and thereafter. For purposes of this clause, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 60 consecutive calendar months immediately preceding July 1, 1984 and of each year thereafter by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

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

employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

For purposes of this subdivision an employer is in the construction industry if assigned an industrial classification within division C of the Standard Industrial Classification Manual issued by the United States Office of Management and Budget as determined by the tax branch of the department.

Sec. 11. Minnesota Statutes 1986, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] (a) For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the experience ratio, except that if the ratio for the current calendar year increases or decreases the experience ratio for the preceding calendar year by more than one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, the increase or decrease for the current year shall be limited to one and one-half percentage points for 1982; and 2-1/2 percentage points for 1983 and each year thereafter, provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter. "Small business employer" for the purpose of this subdivision means an employer with an annual covered payroll of \$250,000 or less, or fewer than 20 employees in three of the four quarters ending June 30, of the previous calendar year.

(b) *The minimum rate for all employers shall be eight-tenths of one percent for 1988; seven-tenths of one percent for 1989; and six-tenths of one percent for 1990. The minimum rate for all employers in 1991 and thereafter shall be six-tenths of one percent if the amount in the unemployment compensation fund is less than \$80,000,000 \$200,000,000 on June 30 of the preceding calendar year; or nine-tenths of one percent if the fund is more than \$80,000,000 but less than \$90,000,000; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 \$200,000,000 but less than \$170,000,000 \$225,000,000; or four-tenths of one percent if the fund is more than \$225,000,000 but less than \$250,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 \$250,000,000 but less than \$200,000,000 \$275,000,000; or two-tenths of one percent if the fund is \$275,000,000 but less than \$300,000,000; or one-tenth of one percent if the fund is \$200,000,000 \$300,000,000 or more; provided that no employer shall have a contribution rate of more than 7.5 percent.*

(c) *The maximum rate for all employers shall be 8.0 percent in 1988; 8.5 percent in 1989; 9.0 percent in 1990 and thereafter.*

(d) *For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. No employer first assigned an experience ratio in accordance with subdivision 6, shall have a contribution rate increased or decreased by more than one and one-half percentage points*

for 1982; and 2-1/2 percentage points for 1983 and each year thereafter over the contribution rate assigned for the preceding calendar year in accordance with subdivision 3a; provided that a small business employer shall be eligible, upon application, for a reduction in the limitation to 1-1/2 percentage points for 1983 and each year thereafter.

Sec. 12. Minnesota Statutes 1986, section 268.06, is amended by adding a subdivision to read:

Subd. 8a. [SOLVENCY ASSESSMENT.] (a) If the fund balance is greater than \$75,000,000 but less than \$150,000,000 on June 30 of any year, a solvency assessment will be in effect for the following calendar year. Each employer, except those making payments in lieu of contributions under subdivisions 25, 26, 27, and 28, shall pay a quarterly solvency assessment of ten percent multiplied by the contributions paid or due and payable for each calendar quarter in that year. Quarterly contributions and the solvency assessment payments shall be combined and will be computed notwithstanding the maximum rate established in subdivision 3a or 8, by multiplying the quarterly taxable payroll by the assigned contribution rate multiplied by 1.10.

(b) If the fund balance is less than \$75,000,000 on June 30 of any year, a solvency assessment will be in effect for the following calendar year. Each employer, except those making payments in lieu of contributions under subdivisions 25, 26, 27, and 28, shall pay a quarterly solvency assessment of 15 percent multiplied by the contributions paid or due and payable for each calendar quarter in that year. Quarterly contributions and the solvency assessment payments shall be combined and will be computed notwithstanding the maximum rate established in subdivisions 3a or 8, by multiplying the quarterly taxable payroll by the assigned contribution rate multiplied by 1.15.

Sec. 13. Minnesota Statutes 1986, section 268.07, subdivision 2, is amended to read:

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

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. (a) To establish a benefit year for unemployment insurance benefits, effective after January 1, 1988, and thereafter, an individual must have:

(1) wage credits in two or more calendar quarters of the individual's base period;

(2) minimum total base period wage credits equal to the high quarter wages multiplied by 1.25;

(3) high quarter wage credits of not less than \$1,000; and

(4) wage credits in 15 or more calendar weeks in the base period.

(b) If the commissioner finds that an individual has sufficient wage credits and weeks worked within the base period to establish a valid claim,

the weekly benefit amount payable to the individual during the individual's benefit year shall be equal to 1/26 of the individual's high quarter wage credits, rounded to the next lower whole dollar.

(c) *Notwithstanding paragraph (b), the maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, 1979 shall be ~~66-2/3 percent~~ a percentage of the average weekly wage, except as provided in clause (d) as determined under paragraphs (d) and (e).*

(d) *On or before June 30 of each year the commissioner shall determine the average weekly wage for purposes of paragraph (c) paid by employers subject to sections 268.03 to 268.24 in the following manner:*

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

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

(c) *(3) The average annual wage shall be divided by 52 to determine the average weekly wage.*

(e) *The maximum weekly benefit amount for any claim filed during the 12-month period subsequent to June 30 of any year shall be determined on the basis of the unemployment fund balance on December 31 of the preceding year. If the fund balance is less than \$70,000,000 on that date, the maximum weekly benefit amount shall be 66-2/3 percent of the average weekly wage; if the fund balance is more than \$70,000,000 but less than \$100,000,000, the maximum weekly benefit amount is 66 percent of the average weekly wage; if the fund balance is more than \$100,000,000 but less than \$150,000,000, the maximum weekly benefit amount is 65 percent of the average weekly wage; if the fund balance is more than \$150,000,000 but less than \$200,000,000, the maximum weekly benefit amount is 64 percent of the average weekly wage; if the fund balance is more than \$200,000,000 but less than \$250,000,000, the maximum weekly benefit amount is 63 percent of the average weekly wage; if the fund balance is more than \$250,000,000 but less than \$300,000,000, the maximum weekly benefit amount is 62 percent of the average weekly wage; if the fund balance is more than \$300,000,000 but less than \$350,000,000, the maximum weekly benefit amount is 61 percent of the average weekly wage; if the fund balance is more than \$350,000,000, the maximum weekly benefit amount is 60 percent. The maximum weekly benefit amount as so determined under this paragraph computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.*

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

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

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1,

1985, shall be \$198.

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

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

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

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

Sec. 14. Minnesota Statutes 1986, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, if the commissioner finds that an individual has earned credit weeks wage credits in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned 45 credit weeks wage credits in 15 or more calendar weeks equal to or in excess of 30 times the individual's weekly benefit amount, in employment which is not seasonal, in addition to any credit weeks wage credits in seasonal employment. For the purposes of this subdivision, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less each calendar year.

Sec. 15. Minnesota Statutes 1986, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) No individual may receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which benefits were received, the individual performed service in insured work as defined in section 268.04, subdivision 17, and earned remuneration for the service in an amount equal to not less than the minimum wage credits required to qualify for benefits. To establish a second benefit year following the expiration of an immediately preceding benefit year, an individual must have sufficient wage credits and weeks of employment to establish a claim under the provisions of subdivision 2 and must have performed services after the establishment of the expired benefit year. The services performed must have been in insured work and the wage credits from the services must equal not less than ten times the weekly benefit amount of the second benefit year.

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

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

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

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

(5) No employer shall be charged for benefits if the employer is a base period employer on a second claim solely because of the transition from a base period consisting of the 52-week period preceding the claim date to a base period as defined in section 268.04, subdivision 2.

Sec. 16. Minnesota Statutes 1986, section 268.071, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, unless the context clearly requires otherwise:

(1) [EXTENDED BENEFIT PERIOD.] "Extended benefit period" means a period which

(a) Begins with the third week after a week for which there is a state "on" indicator; and

(b) Ends with either of the following weeks, whichever occurs later: The third week after the first week for which there is a state "off" indicator; or the 13th consecutive week of the period;

Provided, that no extended benefit period may begin before the 14th week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) [STATE "ON" INDICATOR.] There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this law

(a) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded five percent.

The determination of whether there has been a state "on" indicator beginning any extended benefit period may be made as provided in clauses (a) and (b) above or a "state 'on' indicator" shall exist if the rate described in clause (b) equaled or exceeded six percent irrespective of whether the percentage requirement provided by clause (a) is met or exceeded.

(3) [STATE "OFF" INDICATOR.] There is a "state 'off' indicator" for this state for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment is less than six percent and the requirements for a "state 'on' indicator" under clause (2) of this subdivision are not satisfied.

(4) [RATE OF INSURED UNEMPLOYMENT.] "Rate of insured unemployment," for purposes of clauses (2) and (3), means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of the commissioner's reports to the United States secretary of labor, by the average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of such 13 week period.

(5) [REGULAR BENEFITS.] "Regular benefits" means benefits payable to an individual under this law or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to United States Code, title 5, chapter 85) other than extended benefits and additional benefits.

(6) [EXTENDED BENEFITS.] "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to United States Code, title 5, chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in the individual's eligibility period.

(7) [ADDITIONAL BENEFITS.] "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law.

(8) [ELIGIBILITY PERIOD.] "Eligibility period" of an individual means the period consisting of the weeks in the individual's benefit year which begin in an extended benefit period and, if the benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(9) [EXHAUSTEE.] "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available under this law or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under United States Code, title 5, chapter 85) in the individual's current benefit year that includes such week;

Provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to the individual although as a result of a pending appeal with respect to wage credits ~~or credit~~ weeks that were not considered in the original monetary determination in the individual's benefit year, the individual may subsequently be determined to be entitled to added regular benefits; or

(b) The individual's benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which the individual could establish a new benefit year that would include such week or having established a benefit year that includes such week, the individual is precluded from receiving regular compensation by reason of: (i) a state

law provision which meets the requirements of section 3304 (a) (7) of the Internal Revenue Code of 1954, or (ii) a disqualification determination which canceled wage credits or totally reduced benefit rights, or (iii) benefits are not payable by reason of a seasonal limitation in a state unemployment insurance law; and

(c) Has no right to unemployment benefits or allowances, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, the automotive products act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law the individual is considered an exhaustee.

(10) [STATE LAW.] "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.

Sec. 17. [268.073] [ADDITIONAL UNEMPLOYMENT COMPENSATION BENEFITS.]

Subdivision 1. [ADDITIONAL BENEFITS; WHEN AVAILABLE.] Additional unemployment compensation benefits are authorized under this section only if the commissioner determines that:

(1) an employer has reduced operations at a facility employing 100 or more individuals for at least six months during the preceding year resulting in the reduction of at least 50 percent of the employer's work force and the lay-off of at least 50 employees at that facility;

(2) the employer does not intend to resume operations which would lead to the reemployment of those employees at any time in the future; and

(3) the unemployment rate for the county in which the facility is located was ten percent during the month of the reduction or any of the three months preceding or succeeding the reduction.

Subd. 2. [PAYMENT OF BENEFITS.] All benefits payable under this section are payable from the fund.

Subd. 3. [ELIGIBILITY CONDITIONS.] An individual is eligible to receive additional benefits under this section for any week during the individual's benefit year if the commissioner finds that:

(1) the individual's unemployment is the result of a reduction in operations as provided under subdivision 1;

(2) the individual is unemployed and meets the eligibility requirements for the receipt of unemployment benefits under section 268.08;

(3) the individual is not subject to a disqualification for benefits under section 268.09; for the purpose of this subdivision, the disqualifying conditions set forth in section 268.09, and the requalifying requirements thereunder, apply to the receipt of additional benefits under this section;

(4) the individual has exhausted all rights to regular benefits payable under section 268.07, is not entitled to receive extended benefits under section 268.071, and is not entitled to receive unemployment compensation benefits under any other state or federal law for the week in which the

individual is claiming additional benefits;

(5) the individual has made a claim for additional benefits with respect to any week the individual is claiming benefits in accordance with the regulations as the commissioner may prescribe with respect to claims for regular benefits; and

(6) the individual has worked at least 26 weeks during the individual's base period in employment with an employer for whom the commissioner has determined there was a reduction in operations under subdivision 1.

Subd. 4. [WEEKLY BENEFIT AMOUNT.] A claimant's weekly benefit amount under this section shall be the same as the individual's weekly benefit amount payable during the individual's current benefit year under section 268.08.

Subd. 5. [MAXIMUM BENEFITS PAYABLE.] A claimant's maximum amount of additional benefits payable in the individual's benefit year shall be six times the individual's weekly benefit amount. Unemployment compensation benefits paid to an individual under any state or federal law other than regular benefits payable under section 268.07 shall be deducted from that individual's maximum amount of additional benefits.

Subd. 6. [RETROACTIVITY.] The additional benefits provided under this section are payable to any claimant who meets the eligibility conditions under subdivision 3 whose unemployment occurred on July 1, 1985, or thereafter, provided the claimant has filed a claim for additional benefits which is effective January 1, 1987, or thereafter.

Sec. 18. Minnesota Statutes 1986, section 268.08, subdivision 1, is amended to read:

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

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

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

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

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the ~~credit weeks~~ *wage credits* earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

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

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week, *not to exceed \$20*, shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one-year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 19. Minnesota Statutes 1986, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clause (1), (2), or (3) shall be disqualified for waiting week credit and benefits. For separations under clauses (1) and (2), the disqualification shall continue until four calendar weeks have elapsed following the individual's separation and the individual has earned ~~four~~ *eight* times the individual's weekly benefit amount in insured work.

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with work or for misconduct which interferes with and adversely affects employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to personal, serious illness provided that such individual has made reasonable efforts to retain employment;

An individual who is separated from employment due to the individual's illness of chemical dependency which has been professionally diagnosed or for which the individual has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment the individual knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain employment.

(c) The individual accepts work from a base period employer which involves a change in location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because of reaching mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by the employer because the individual gave notice of intention to terminate employment within 30 days. This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which the individual receives the individual's normal wage or salary which is equal to or greater than the weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with work or gross misconduct which interferes with and adversely affects the individual's employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom the individual was discharged for gross misconduct connected with work.

For the purpose of this clause "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with the individual's work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in deter-

mining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment was not accepted or whose offer of re-employment was refused solely due to the distance of the available work from the individual's residence, the individual's own serious illness or the individual's other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from the individual's own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 20. Minnesota Statutes 1986, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until four calendar weeks have elapsed following the refusal or failure and the individual has earned ~~four~~ eight times the individual's weekly benefit amount in insured work if the commissioner finds that the individual has failed, without good cause, either to apply for available, suitable work of which advised by the employment office, or the commissioner or to accept suitable work when offered, or to return to customary self-employment (if any) when so directed by the commissioner, or to accept a base period employer's offer of re-employment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in the base period.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to health, safety, and morals, physical fitness and prior training, experience, length of unemployment and prospects of securing local work in the individual's customary occupation, and the distance of the available work from the individual's residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

Sec. 21. Minnesota Statutes 1986, section 268.10, subdivision 1, is amended to read:

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

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

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

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

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

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

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

(e) Such employer's protest, if any, relating to the ineligibility or disqualification of such individual.

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

(a) Determine the validity of an individual's claim based on the claimant's statements or any other available information. An employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of jobs and training and credited to the contingent fund if the employer has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to the employer's last known address.

(c) For the purpose of complying with section 268.04, subdivision 2, the commissioner may require all base period employers to provide such

information as the commissioner may prescribe, including, but not limited to, wages paid during any part of the base period, whether or not such information was previously provided.

(d) Upon establishment of a benefit year, the commissioner shall give notice to the last employer for whom the individual worked and all base period employers. The employer so notified shall have seven days after the mailing of the notice to file a protest to monetary entitlement or a protest raising an issue of ineligibility or disqualification.

(e) If, upon review of the wage information on file with the department, it is found that an employer failed to provide wage information for the claimant, the commissioner shall accept a claimant certification as to the wage credits earned, based upon the claimant's records, and issue a monetary determination of validity certification. This determination may be modified based upon corrected information subsequently received from the employer or other sources. The employer who failed to report the individual's wages or filed an erroneous report may be penalized in accordance with section 268.16 or 268.18. In the absence of fraud, if a redetermination of validity of claim based on an employer's late corrected or erroneous report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid prior to such redetermination; and

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

Sec. 22. Minnesota Statutes 1986, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. ~~If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer, the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in insured work by the number of base period credit weeks. If within the time specified for the filing of wage and separation information a protest as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to the employer's account of benefits that may be paid on such claim, if the claim is valid, the issue~~

thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an appeal tribunal decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an appeal decision awarding benefits, any benefits paid under the award of such initial determination or appeal tribunal decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the rules of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to the last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on the commissioner's own motion may reconsider a determination of validity made thereon and make a redetermination thereof on finding that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may refer any disputed claims directly to a referee for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the tribunal from an initial determination.

(6) If a referee's decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding

benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 23. Minnesota Statutes 1986, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, appeal referee, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, appeal referee, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24; ~~provided that quarterly contribution and wage report forms shall include the employee's name, social security number, and total wages paid to the employee.~~

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as the commissioner may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16B.50, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota economic security law.

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

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

Sec. 24. Minnesota Statutes 1986, section 268.121, is amended to read:

268.121 [WAGE REPORTING.]

Beginning on April 1, 1984, each employer subject to this chapter shall provide the commissioner with a quarterly report of the wages, as defined in section 268.04, subdivision 25, paid to each employee of that employer covered by this chapter. ~~The commissioner shall provide the legislature with recommendations for statutory changes to fully implement this section no later than January 1, 1983~~ The report must include the employee's name, social security number, the total wages paid to the employee, and the number of weeks in which work was performed. The report is due and must be filed at the same time as the contribution report in accordance with rules established by the commissioner for filing of quarterly contribution reports. For the purpose of this section, "wages paid" includes wages actually or constructively paid and wages overdue and delayed beyond the usual time of payment.

Sec. 25. Minnesota Statutes 1986, section 268.15, subdivision 3, is amended to read:

Subd. 3. [CONTINGENT ACCOUNT.] There is hereby created in the state treasury a special account, to be known as the economic security contingent account, which shall not lapse nor revert to any other fund. Such account shall consist of all moneys appropriated therefor by the legislature; all moneys in the form of interest and penalties collected pursuant to ~~section~~ sections 268.16 and 268.18, and all moneys received in the form of voluntary contributions to this account and interest thereon. All moneys in such account shall be supplemental to all federal moneys that would be available to the commissioner but for the existence of this account. Moneys in this account are hereby appropriated to the commissioner and shall be expended in accordance with the provisions of section 3.30, in connection with the administration of sections 268.03 to 268.24. Whenever the commissioner expends moneys from said contingent account for the proper and efficient administration of the Minnesota economic security law for which funds have not yet been made available by the federal government, such moneys so withdrawn from the contingent account shall be replaced as hereinafter provided. Upon the deposit in the economic security administration fund of moneys which are received in reimbursement of payments made as above provided for said contingent account, the commissioner shall certify to the state treasurer the amount of such reimbursement and thereupon the state treasurer shall transfer such amount from the economic security administration fund to said contingent account. All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for the other special accounts in the state treasury. The state treasurer shall be liable on the treasurer's official bond for the faithful performance of duties in connection with the economic security contingent account provided for herein. Notwithstanding anything to the contrary contained herein, on June 30 of each year, except 1982, all amounts in excess of \$300,000 in this account shall be paid over to the unemployment compensation fund established under section 268.05 and administered in accordance with the provisions set forth therein.

Sec. 26. Minnesota Statutes 1986, section 268.16, subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.] (4) (a) Any employer who knowingly fails to make and submit to the department of

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

(2) (b) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so within the time prescribed by these sections or by rules under the authority thereof, or shall make, willfully or otherwise, an incorrect, false or fraudulent contribution report, it shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make a report, or corrected report, from the commissioner's own knowledge and from such information as the commissioner can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, on finding it substantially correct, substitute it for the commissioner's report.

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

(d) Any employer who files the wage detail report required by section 268.121, but knowingly fails to include any of the required information or knowingly enters erroneous information, shall be subject to a penalty of

\$25 for each individual for whom the information is missing or erroneous.

(e) Any employing unit which fails to make and submit to the commissioner any report, other than a contribution report or wage detail report, as and when required by rule, shall be subject to a penalty in the sum of \$50 payable to the department for the contingent account.

(f) The penalties provided for in paragraphs (a), (c), (d), and (e) are in addition to interest and any other penalties imposed by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.

Sec. 27. [REPEALER.]

Minnesota Statutes 1986, section 268.04, subdivisions 29 and 30, are repealed.

Sec. 28. [EFFECTIVE DATE.]

Sections 4, 5, 6, 7, 9, 17, 22, 23, 25, and 26 are effective the day following final enactment. Sections 19 and 20 are effective July 1, 1987. Sections 1, 2, 3, 8, 10, 11, 12, 13, except paragraph (a), clause (4), 14, 15, 16, 18, 21, 24, and 27 are effective January 1, 1988. Section 13, paragraph (a), clause (4), is effective July 1, 1989."

Delete the title and insert:

"A bill for an act relating to unemployment compensation; regulating administration of unemployment compensation; providing for benefits and contribution rates; amending Minnesota Statutes 1986, sections 268.04, subdivisions 2, 4, 24, 26, and by adding subdivisions; 268.06, subdivisions 2, 3a, 8, and by adding a subdivision; 268.07, subdivisions 2, 2a, and 3; 268.071, subdivision 1; 268.08, subdivision 1; 268.09, subdivisions 1 and 2; 268.10, subdivisions 1 and 2; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; and 268.16, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1986, section 268.04, subdivisions 29 and 30."

Mr. Chmielewski moved to amend the Chmielewski amendment to H.F. No. 715 as follows:

Page 2, line 15, after "individual" insert "subject to clause (a)"

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

The question recurred on the adoption of the Chmielewski amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

H.F. No. 715 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 38 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Lantry	Novak	Schmitz
Berglin	Diessner	Lessard	Pehler	Solon
Brandl	Frank	Luther	Peterson, D.C.	Spear
Chmielewski	Freeman	Marty	Peterson, R.W.	Waldorf
Cohen	Hughes	Merriam	Piper	Wegscheid
Dahl	Johnson, D.J.	Metzen	Pogemiller	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kroening	Moe, R.D.	Samuelson	

Those who voted in the negative were:

Anderson	Bernhagen	Frederickson, D.R.	Mehrkens	Taylor
Beckman	Bertram	Knaak	Morse	Vickerman
Belanger	Brataas	Knutson	Renneke	
Benson	Frederick	Laidig	Storm	
Berg	Frederickson, D.J.	Langseth	Stumpf	

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 234:

H.F. No. 234: A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; prohibiting cost of parental leave from increasing unemployment insurance experience rating; amending Minnesota Statutes 1986, section 268.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 181.

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

McLaughlin, Rest and Blatz have been appointed as such committee on the part of the House.

House File No. 234 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Ms. Peterson, D.C. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 234, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1209:

H.F. No. 1209: A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoinder of nuisances; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1986, sections 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

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

Wagenius, Orenstein and Bishop have been appointed as such committee

on the part of the House.

House File No. 1209 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Ms. Peterson, D.C. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1209, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1304:

H.F. No. 1304: A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Milbert, Quinn and Bishop have been appointed as such committee on the part of the House.

House File No. 1304 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1304, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1374:

H.F. No. 1374: A bill for an act relating to the office of the attorney general; removing the numerical limit on the number of assistant attorneys general; authorizing the attorney general to delegate contract review duties; amending Minnesota Statutes 1986, section 8.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 8.

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

Simoneau, Rukavina, and Morrison have been appointed as such committee on the part of the House.

House File No. 1374 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1374, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 841:

H.F. No. 841: A bill for an act relating to utilities; providing for prevention of unlawful meter bypass, tampering, and use; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Carruthers, Jacobs and McKasy have been appointed as such committee on the part of the House.

House File No. 841 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Jude moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 841, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1073:

H.F. No. 1073: A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; imposing penalties; amending Minnesota Statutes, section 326F75.

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

O'Connor, Begich and Tjornhom have been appointed as such committee on the part of the House.

House File No. 1073 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Kroening moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1073, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1622:

H.F. No. 1622: A bill for an act relating to courts; providing court of appeals and crime victim representation on the sentencing guidelines commission; providing that terms of commission members appointed by the governor are coterminous with the governor; changing the date on which the commission's report to the legislature is due; clarifying the membership on judicial appeal panels; permitting retired judges to solemnize marriages; clarifying judicial representation on the judicial standards board; authorizing the supreme court to adopt court rules; restricting mileage reimbursement for law clerks; amending Minnesota Statutes 1986, sections 244.09, subdivisions 2, 3, and 11; 253B.19, subdivision 1; 480.051; 481.02, subdivision 3; 484.545, subdivision 3; 484.62; 490.15, subdivision 1; 517.04; and 525.06.

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

Orenstein, Kelly and Seaberg have been appointed as such committee on the part of the House.

House File No. 1622 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Cohen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1622, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 596:

H.F. No. 596: A bill for an act relating to jails; providing for the detention and confinement of minors subject to prosecution as adults; amending Minnesota Statutes 1986, sections 641.14; and 636.07.

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

Kelly, Blatz and Kludt have been appointed as such committee on the part of the House.

House File No. 596 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1987

Mr. Freeman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 596, and that a Conference Committee, of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1261: A bill for an act relating to the state building code; changing certain provisions relating to public buildings; amending Minnesota Statutes 1986, sections 16B.60, subdivisions 3 and 6; 16B.61, by adding a subdivision; and 16B.71.

There has been appointed as such committee on the part of the House: DeBlieck, Morrison and Jefferson.

Senate File No. 1261 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

Mr. President:

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

S.F. No. 911: A bill for an act relating to education; requiring school districts to make available instruction in Braille reading and writing to blind pupils; proposing coding for new law in Minnesota Statutes, chapter 126.

There has been appointed as such committee on the part of the House: Rukavina; Olsen, S. and Minne.

Senate File No. 911 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1987

MEMBERS EXCUSED

Mr. Pehler was excused from the Session of today from 12:00 noon to 12:45 p.m. Mr. Wegscheid was excused from the Session of today from 4:00 to 5:00 p.m. Mr. Johnson, D.E. was excused from the Session of today at 8:00 p.m. Mrs. McQuaid was excused from the Session of today at 9:00 p.m. Mr. Gustafson was excused from the Session of today at 9:05 p.m. Mr. Larson was excused from the Session of today at 9:10 p.m. Mr. Ramstad was excused from the Session of today at 9:30 p.m. Ms. Olson was excused from the Session of today at 9:15 p.m. Ms. Piper was excused from the Session of today from 8:55 to 11:50 p.m. Mr. Purfeerst was excused from the Session of today at 9:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, May 14, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate