

## EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, April 14, 1988

The Senate met at 1:00 p.m. 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 Senator Donald A. Storm.

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

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

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.

April 13, 1988

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received and deposited in the Office of the Secretary of State, S.F. No. 2525.

Sincerely,  
Rudy Perpich, Governor

April 13, 1988

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. 1867, 1882, 2096 and 2243.

Sincerely,  
Rudy Perpich, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2451.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

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. 2017: A bill for an act relating to Gillette children's hospital; authorizing the hospital board to incorporate as a nonprofit corporation; terminating its status as a public corporation; transferring its ownership of hospital property to the city of St. Paul; repealing Minnesota Statutes 1986, section 250.05, subdivisions 1, 2a, 3, 4, 5, and 6; and Minnesota Statutes 1987 Supplement, section 250.05, subdivisions 2 and 7.

Senate File No. 2017 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

Mr. Moe, R.D. moved that S.F. No. 2017 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1900: A bill for an act relating to the metropolitan airports commission; setting the borrowing authority of the commission; amending Minnesota Statutes 1986, section 473.667, subdivision 2.

Senate File No. 1900 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

Mr. Moe, R.D. moved that S.F. No. 1900 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 412: A bill for an act relating to real property; creating a lien against real property where the state has incurred cleanup expenses and the owner is liable for the expenses under Minnesota Statutes, chapter 115B or 115C; providing procedures for implementation and enforcement of the lien; proposing coding for new law in Minnesota Statutes, chapter 514.

Senate File No. 412 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

Mr. Luther moved that the Senate do not concur in the amendments by the House to S.F. No. 412, 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. 203: A bill for an act relating to financial institutions; permitting interstate banking with additional reciprocating states; amending Minnesota Statutes 1986, section 48.92, subdivision 7.

Senate File No. 203 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

Mr. Freeman moved that the Senate do not concur in the amendments by the House to S.F. No. 203, 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. 1937: A bill for an act relating to crimes; providing for seizure and forfeiture of property used in commission of crime, proceeds of crime, and contraband; creating a presumption that money, precious metals, and jewels found near controlled substances, and vehicles containing controlled substances, are subject to forfeiture; providing for administrative forfeiture of such property with opportunity for judicial determination; providing for summary forfeiture of contraband, certain controlled substances, weapons following a conviction, and certain plants; providing for forfeiture by judicial action of property and proceeds associated with controlled substance violations and designated offenses; eliminating the requirement that forfeiture actions be dismissed if no associated conviction results; providing that a conviction creates the presumption that after-acquired property constitutes forfeitable proceeds of the offense; eliminating the defense of an owner who negligently allowed the unlawful use of the owner's property; providing that the right to forfeitable property passes to law enforcement agencies upon commission of unlawful act; allowing seizure without process incident to a lawful search without a warrant and in other circumstances; allocating the proceeds of forfeitures to law enforcement agencies and county attorneys; amending Minnesota Statutes 1986, sections 152.205; 152.21, subdivision 6; and 609.531, subdivisions 4, 5, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1986, sections 152.19; and 609.531, subdivisions 2, 3, and 6.

Senate File No. 1937 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

Mr. Freeman moved that S.F. No. 1937 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1932: A bill for an act relating to transportation; exempting certain private carriers of fuel for use in agriculture-related businesses from certain hazardous materials regulations; amending Minnesota Statutes 1986, section 221.033, subdivision 1, and by adding a subdivision.

Senate File No. 1932 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1988

Mr. Moe, R.D. moved that S.F. No. 1932 be laid on the table. The motion prevailed.

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. 236, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 236 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 236

A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 123.015; 200.015; 201.275; 204C.04; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A.

March 29, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 236, 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. 236 be further amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

Section 1. Minnesota Statutes 1987 Supplement, section 200.01, is amended to read:

##### 200.01 [CITATION, MINNESOTA ELECTION LAW.]

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, and ~~210A~~ articles 2 and 3 shall be known as the Minnesota election law.

Sec. 2. Minnesota Statutes 1986, section 201.275, is amended to read:

##### 201.275 [INVESTIGATIONS; PROSECUTIONS.]

*A county attorney receiving a report of a possible violation of this chapter shall immediately and diligently inquire into the facts of the possible violation. If there are reasonable grounds for instituting a prosecution, the county attorney shall present the charge, together with all the evidence that the county attorney can procure, to the grand jury of the county. A county attorney who fails or refuses to faithfully perform any duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit the county attorney's office. A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found,*

*to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his or her office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.*

Sec. 3. Minnesota Statutes 1986, section 204C.04, is amended to read:  
204C.04 [EMPLOYEES; TIME OFF TO VOTE.]

Every employee who is eligible to vote at a state general election or at an election to fill a vacancy in the office of United States senator or United States representative has the right to be absent from work for the purpose of voting during the morning of election day, without penalty or deduction from salary or wages because of the absence. An employer ~~who refuses, abridges or interferes or other person may not directly or indirectly refuse, abridge, or interfere~~ with this right ~~shall be subject to the penalty provisions of section 210A.141 or any other election right of an employee.~~ A person who violates this section is guilty of a misdemeanor, and the county attorney shall prosecute the violation.

Sec. 4. Minnesota Statutes 1986, section 383A.297, is amended to read:  
383A.297 [POLITICAL ACTIVITY.]

No employee in the classified service shall be under any obligation to contribute to a political service or fund to any person, body, or committee, and no employee in the classified service may be discharged, suspended, demoted, or otherwise disciplined or prejudiced for refusal to do so. All employees in the classified and unclassified service shall be subject to the prohibition on political activities set forth in *article 3*, section ~~210A.081~~ 9.

Sec. 5. Minnesota Statutes 1987 Supplement, section 383B.041, is amended to read:

383B.041 [CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC INTERESTS.]

Sections 383B.041 to 383B.058 apply to the financing of campaigns for county elections in Hennepin county and for city elections in home rule charter cities and statutory cities located wholly within Hennepin county, having a population of 75,000 or more, and for school board elections in the special school district No. 1, Minneapolis, and to disclosure of economic interests by candidates and elected public officials of those jurisdictions. The provisions of *article 2*, sections ~~210A.22 to 210A.33~~ 2 to 7 do not apply to the financing of campaigns for elections subject to the provisions of sections 383B.041 to 383B.058.

## ARTICLE 2

### Section 1. [211A.01] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] The definitions in chapter 200 and this section apply to this chapter.*

*Subd. 2. [BALLOT QUESTION.] "Ballot question" means a proposition placed on the ballot to be voted on by the voters of one or more political subdivisions but not by all the voters of the state.*

*Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a county, municipal, school district, or other political subdivision office. This definition does not include an individual seeking a judicial office. For purposes of sections 1 to 5 and 7, "candidate" also includes a candidate for the United States Senate or House of Representatives.*

*Subd. 4. [COMMITTEE.] "Committee" means a corporation or association or persons acting together to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.*

*Subd. 5. [CONTRIBUTION.] "Contribution" means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. "Contribution" does not include a service provided without compensation by an individual.*

*Subd. 6. [DISBURSEMENT.] "Disbursement" means money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent.*

*Subd. 7. [FILING OFFICER.] "Filing officer" means the officer authorized by law to accept affidavits of candidacy or nominating petitions for an office or the officer authorized by law to place a ballot question on the ballot.*

*Subd. 8. [POLITICAL PURPOSES.] An act is done for "political purposes" if it is of a nature, done with the intent, or done in a way to influence or tend to influence, directly or indirectly, voting at a primary or an election or if it is done because a person is about to vote, has voted, or has refrained from voting at a primary or an election.*

## **Sec. 2. [211A.02] [FINANCIAL REPORT.]**

*Subdivision 1. [WHEN AND WHERE FILED BY COMMITTEES.] A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make reports until a final report is filed. The committee or candidate must also file a report by January 31 of each year following the year when the initial report was filed. In addition, in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:*

- (1) ten days before the primary;*
- (2) ten days before the general election;*
- (3) seven days before a special primary;*
- (4) seven days before a special election; and*
- (5) 30 days after a special election.*

*Subd. 2. [INFORMATION REQUIRED.] The report to be filed by a candidate or committee must include:*

- (1) the name of the candidate or ballot question;*

- (2) the name and address of the person responsible for filing the report;
- (3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;
- (4) the purpose for each expenditure; and
- (5) the name of any individual or committee that during the year has made one or more contributions that in the aggregate are equal to or greater than \$500.

*Subd. 3. [MUNICIPAL CHARTER PROVISIONS AND SPECIAL LAWS SAVED.] The provisions of this section requiring the filing of reports are in addition to the provisions of any municipal charter requiring the filing of reports in connection with a municipal primary, general election, special primary, or special election, but they do not replace special laws providing filing requirements for a municipality.*

*Subd. 4. [CONGRESSIONAL CANDIDATES.] Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this section.*

#### **Sec. 3. [211A.03] [FINAL REPORT.]**

*A candidate or committee may file a final report when all debts have been settled and all assets in excess of \$100 in the aggregate are disposed of. The final report may be filed at any time and must include the kinds of information contained in the financial statements required by section 2 for the period from the last previous report to the date of the final report.*

#### **Sec. 4. [211A.04] [SECRETARY OF STATE'S DUTIES.]**

*Subdivision 1. [REPORT FORMS.] The secretary of state shall prepare blanks for reports required by section 2. Copies must be furnished through the county auditor or otherwise, as the secretary of state finds expedient, to a committee upon request or to a candidate upon filing for office.*

*Subd. 2. [DIGEST OF LAWS.] The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable annotated digest of this chapter. The secretary of state shall distribute the digest in the same manner as the report forms required by subdivision 1.*

#### **Sec. 5. [211A.05] [FAILURE TO FILE STATEMENT.]**

*Subdivision 1. [PENALTY.] A candidate who intentionally fails to file a report required by section 2 is guilty of a misdemeanor. A member of a committee that fails to file a report required by section 2 is guilty of a misdemeanor. An officer who issues a certificate of election to a candidate with knowledge that the candidate's financial statement has not been filed is guilty of a misdemeanor.*

*Subd. 2. [NOTICE OF FAILURE TO FILE.] If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the county attorney of the county where the candidate resides or where the committee headquarters is located. The county attorney shall then immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the county attorney shall proceed under section 8.*



**Sec. 6. [211A.06] [FAILURE TO KEEP ACCOUNT; PENALTY.]**

*A treasurer or other individual who receives money for a committee is guilty of a misdemeanor if the individual:*

- (1) fails to keep a correct account as required by law;*
- (2) mutilates, defaces, or destroys an account record; or*
- (3) in the case of a committee, refuses upon request to provide financial information to a candidate; and*
- (4) does any of these things with the intent to conceal receipts or disbursements, the purpose of receipts or disbursements, or the existence or amount of an unpaid debt or the identity of the person to whom it is owed.*

**Sec. 7. [211A.07] [BILLS WHEN RENDERED AND PAID.]**

*A person who has a bill, charge, or claim against a candidate's committee shall render it in writing to the committee within 60 days after the material or service is provided. A bill, charge, or claim that is not presented within 60 days after the material or service is provided must not be paid.*

**Sec. 8. [211A.08] [COUNTY ATTORNEY INQUIRY.]**

*A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause to institute a prosecution, the county attorney shall proceed by complaint or present the charge with whatever evidence has been found to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his or her office. The county attorney, under penalty of forfeiture of office, shall prosecute all violations of this chapter except for a violation of this section; if, however, a complainant desires to withdraw a complaint under this chapter, the county attorney is not required to proceed with prosecution.*

**Subd. 2. [ASSOCIATE COUNSEL.]** *Anyone except the person under investigation or the person's agent may employ an attorney to assist the county attorney in the investigation and prosecution of a violation of this chapter. The county attorney and the court shall recognize the attorney as associate counsel for the proceeding. A prosecution, action, or proceeding may not be dismissed without notice to the associate counsel. If the associate counsel objects to the dismissal, the county attorney's reasons for dismissal and the associate counsel's objections must be filed with the court and heard within the time period the court requires.*

**Sec. 9. [211A.09] [FORFEITURE OF NOMINATION OR OFFICE.]**

**Subdivision 1. [FORFEITURE REQUIRED.]** *Except as provided in subdivision 2, if a candidate is convicted of violating a provision of this chapter or if an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.*

**Subd. 2. [CIRCUMSTANCES WHERE NOMINATION OR OFFICE NOT FORFEITED.]** *In a trial for a violation of this chapter, the candidate's*

*nomination or election is not void if the court finds that:*

*(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or*

*(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith, and that it would be unjust for the candidate to forfeit the nomination or election.*

*Neither of these findings is a defense to a conviction under this chapter.*

**Sec. 10. [211A.10] [DISQUALIFIED INDIVIDUALS NOT TO HOLD VARIOUS POSITIONS.]**

*A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy that may occur in the office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in the office. An appointment to an office made contrary to this section is void.*

*A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.*

**Sec. 11. [211A.11] [PENALTIES FOR VIOLATIONS.]**

*A violation of this chapter for which no other penalty is provided is a misdemeanor.*

**Sec. 12. [REPEALER.]**

*Minnesota Statutes 1986, sections 210A.01, as amended by Laws 1987, chapter 266, article 1, section 66; 210A.02; 210A.03; 210A.04; 210A.05; 210A.06; 210A.07; 210A.08; 210A.081; 210A.09; 210A.091; 210A.10; 210A.11; 210A.12; 210A.13; 210A.14; 210A.141; 210A.15; 210A.16; 210A.17; 210A.18; 210A.19; 210A.20; 210A.21; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27; 210A.28; 210A.29; 210A.30; 210A.31; 210A.32; 210A.33; 210A.34; 210A.35; 210A.36; 210A.37; 210A.38; 210A.39; 210A.40; 210A.41; 210A.42; 210A.43; 210A.44; and Minnesota Statutes 1987 Supplement, section 210A.265, are repealed.*

**Sec. 13. [EFFECTIVE DATE.]**

*This article applies to school district elections held after January 1, 1989.*

**ARTICLE 3**

**Section 1. [211B.01] [DEFINITIONS.]**

*Subdivision 1. [APPLICATION.] The definitions in chapter 200 and this section apply to this chapter.*

*Subd. 2. [CAMPAIGN MATERIAL.] "Campaign material" means any literature, publication, or material tending to influence voting at a primary or other election, except for news items or editorial comments by the news*

media.

Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a federal, statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties, except candidates for president and vice-president of the United States.

Subd. 4. [COMMITTEE.] "Committee" means two or more persons acting together or a corporation or association acting to influence the nomination, election, or defeat of a candidate or to promote or defeat a ballot question. Promoting or defeating a ballot question includes efforts to qualify or prevent a proposition from qualifying for placement on the ballot.

Subd. 5. [DISBURSEMENT.] "Disbursement" means an act through which money, property, office, or position or other thing of value is directly or indirectly promised, paid, spent, contributed, or lent, and any money, property, office, or position or other thing of value so promised or transferred.

Subd. 6. [POLITICAL PURPOSES.] An act is done for "political purposes" when the act is intended or done to influence, directly or indirectly, voting at a primary or other election. This does not include news items or editorial comments published or broadcast by the news media.

Sec. 2. [211B.02] [FALSE CLAIM OF SUPPORT.]

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual without first getting written permission from the individual to do so.

Sec. 3. [211B.021] [USE OF THE TERM REELECT.]

A person or candidate may not, in the event of redistricting, use the term "reelect" in a campaign for elective office unless the candidate is the incumbent of that office and the office represents any part of the new district.

Sec. 4. [211B.03] [CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.]

(a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 5, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is:

"Prepared and paid for by the . . . . . committee,  
. . . . . (address)."

(c) In the case of broadcast media, the required form of disclaimer is:  
"Paid for by the . . . . . committee."

(d) Campaign material that is not circulated on behalf of a particular candidate or ballot question must also include in the disclaimer either that it is "in opposition to . . . . (insert name of candidate or ballot question . . . .)"; or that "this publication is not circulated on behalf of any candidate or ballot question".

(e) This section does not apply to objects stating only the candidate's name and the office sought, fundraising tickets, or personal letters that are clearly being sent by the candidate.

(f) This section does not modify or repeal section 6.

**Sec. 5. [211B.04] [PAID ADVERTISEMENTS IN NEWS.]**

**Subdivision 1. [ACCEPTANCE OF PAID ADVERTISEMENTS.]** A newspaper, periodical, or magazine may not intentionally accept for insertion in the newspaper, magazine, or periodical a political advertisement unless the words "PAID ADVERTISEMENT," and the disclaimer required under section 4 are included at the beginning or end of the advertisement. A radio station, television station, or cable system may not accept for broadcast a political advertisement unless the words "PAID ADVERTISEMENT" are included at the beginning or end of the advertisement.

**Subd. 2. [ADVERTISING RATES.]** Rates charged for advertising to support or oppose a candidate or ballot question must be the same as the charges made for any other political candidate and may be no greater than charges made for any other comparable purpose or use according to the seller's rate schedule.

**Subd. 3. [COMPENSATION PROHIBITED, EXCEPT FOR PAID ADVERTISEMENT.]** An owner, publisher, editor, reporter, agent, broadcaster, or employee of a newspaper, periodical, magazine, radio or television broadcast station, or cable system may not directly or indirectly solicit, receive, or accept a payment, promise, or compensation, nor may a person pay or promise to pay or in any manner compensate an owner, publisher, editor, reporter, agent, broadcaster, or employee directly or indirectly for influencing or attempting to influence voting at an election or primary through printed material in the newspaper or periodical, or radio, television, or cable broadcast, except as a "PAID ADVERTISEMENT" as provided in this section.

**Subd. 4. [UNPAID MATERIAL IDENTIFICATION.]** Unpaid material published in a newspaper, magazine, or other publication that is: (1) in unique typeset or otherwise differentiated from other unpaid material, (2) designed to influence or attempt to influence the voting at any election or the passage or defeat of legislation, and (3) not placed on the editorial page must be clearly identified as an editorial opinion.

**Sec. 6. [211B.05] [FALSE POLITICAL AND CAMPAIGN MATERIAL; PENALTY; EXCEPTIONS.]**

**Subdivision 1. [GROSS MISDEMEANOR.]** A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, whether or not defamatory, or with respect to the effect of a ballot question, that the person knows or has reason to believe is false and that is designed or tends to elect, injure, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question.

*A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, if defamatory, or with respect to the effect of a ballot question, that the person knows is false and which is designed or tends to elect, injure, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question.*

*Subd. 2. [EXCEPTION.] Subdivision 1 does not apply to any person or organization whose sole act is, in the normal course of their business, the printing, manufacturing, or dissemination of the false information.*

**Sec. 7. [211B.06] [UNDUE INFLUENCE ON VOTERS PROHIBITED.]**

*A person may not directly or indirectly use or threaten force, coercion, violence, restraint, damage, harm, loss, including loss of employment or economic reprisal, undue influence, or temporal or spiritual injury against an individual to compel the individual to vote for or against a candidate or ballot question. Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the right to vote of a voter at a primary or election, or compel a voter to vote at a primary or election. Violation of this section is a gross misdemeanor.*

**Sec. 8. [211B.07] [SOLICITATION OF CONTRIBUTIONS PROHIBITED.]**

*A religious, charitable, or educational organization may not request a candidate or committee to contribute to the organization, to subscribe for the support of a club or organization, to buy tickets to entertainment, or to pay for space in a publication. This section does not apply to:*

*(1) the solicitation of a business advertisement in periodicals in which the candidate was a regular contributor, before candidacy;*

*(2) ordinary business advertisements;*

*(3) regular payments to a religious, charitable, or educational organization, of which the candidate was a member, or to which the candidate was a contributor for more than six months before candidacy; or*

*(4) ordinary contributions at church services.*

**Sec. 9. [211B.08] [PROHIBITED PUBLIC EMPLOYEE ACTIVITIES.]**

*An employee or official of the state or of a political subdivision may not use official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity. A political subdivision may not impose or enforce additional limitations on the political activities of its employees.*

**Sec. 10. [211B.09] [INDUCING OR REFRAINING CANDIDACY; TIME OFF FOR PUBLIC OFFICE MEETINGS.]**

*Subdivision 1. [INDUCING OR REFRAINING FROM CANDIDACY.] A person may not reward or promise to reward another in any manner to induce the person to be or refrain from or cease being a candidate. A person may not solicit or receive a payment, promise, or reward from another for this purpose.*

*Subd. 2. [TIME OFF FOR PUBLIC OFFICE MEETINGS.] A person elected to a public office must be permitted time off from regular employment to attend meetings required by reason of the public office. The time off may be without pay, with pay, or made up with other hours, as agreed between*

*the employee and employer. When an employee takes time off without pay, the employer shall make an effort to allow the employee to make up the time with other hours when the employee is available. No retaliatory action may be taken by the employer for absences to attend meetings necessitated by reason of the employee's public office.*

**Sec. 11. [211B.10] [ELECTION DAY PROHIBITIONS.]**

*Subdivision 1. [SOLICITING NEAR POLLING PLACES.] A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day.*

*Subd. 2. [ELECTION DAY CAMPAIGNING.] A person may not broadcast, circulate, or distribute campaign material, or cause campaign material to be broadcast, circulated, or distributed on the day of a primary or election. This subdivision does not modify or repeal section 7.*

*Subd. 3. [TRANSPORTATION OF VOTERS TO POLLING PLACE; PENALTY.] A person transporting a voter to or from the polling place may not ask, solicit, or in any manner try to induce or persuade a voter on primary or election day to vote or refrain from voting for a candidate or ballot question.*

*Subd. 4. [PENALTY.] Violation of this section is a petty misdemeanor.*

**Sec. 12. [211B.11] [LEGAL EXPENDITURES.]**

*Use of funds collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns. The following are permitted expenditures when made for political purposes:*

- (1) salaries, wages, and fees;*
- (2) communications, mailing, transportation, and travel;*
- (3) campaign advertising;*
- (4) printing;*
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;*
- (6) charitable contributions of not more than \$100 to any charity annually; and*
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses.*

**Sec. 13. [211B.12] [BRIBERY, TREATING, AND SOLICITATION.]**

*Subdivision 1. [BRIBERY, ADVANCING MONEY, AND TREATING PROHIBITED.] A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable*

consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food or nonalcoholic beverages of nominal value consumed on the premises at a private gathering or public meeting are not prohibited under this section.

Subd. 2. [CERTAIN SOLICITATIONS PROHIBITED.] A person may not knowingly solicit, receive, or accept any money, property, or other thing of monetary value, or a promise or pledge of these that is a disbursement prohibited by this section or section 15.

Sec. 14. [211B.13] [DIGEST OF LAWS.]

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient.

Sec. 15. [211B.14] [CORPORATE POLITICAL CONTRIBUTIONS.]

Subdivision 1. [DEFINITION.] "Corporation" for purposes of this section means a corporation organized for profit that does business in Minnesota.

Subd. 2. [PROHIBITED CONTRIBUTIONS.] A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers or employees, or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 3. [INDEPENDENT EXPENDITURES.] A corporation may not make an independent expenditure or offer or agree to make an independent expenditure to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "independent expenditure" means an expenditure that is not made with the authorization or expressed or implied consent of, or in cooperation or concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Subd. 4. [BALLOT QUESTION.] A corporation may make contributions or expenditures to promote or defeat a ballot question, to qualify a question for placement on the ballot unless otherwise prohibited by law, or to express its views on issues of public concern. A corporation may not take a deduction as provided in section 290.09 for an expenditure made under this subdivision. A corporation may not make a contribution to a candidate for nomination, election, or appointment to a political office or to a committee organized wholly or partly to promote or defeat a candidate.

Subd. 5. [NEWS MEDIA.] This section does not prohibit publication or broadcasting of news items or editorial comments by the news media.

*Subd. 6. [PENALTY FOR INDIVIDUALS.] An officer, stockholder, agent, employee, attorney, or other representative of a corporation acting in behalf of the corporation who violates this section may be fined not more than \$20,000 or be imprisoned for not more than five years, or both.*

*Subd. 7. [PENALTY FOR CORPORATIONS.] A corporation convicted of violating this section is subject to a fine not greater than \$40,000. A convicted domestic corporation may be dissolved as well as fined. If a foreign or nonresident corporation is convicted, in addition to being fined, its right to do business in this state may be declared forfeited.*

*Subd. 8. [PERMITTED ACTIVITY; POLITICAL PARTY.] It is not a violation of this section for a political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as the party's headquarters.*

*Subd. 9. [MEDIA PROJECTS.] It is not a violation of this section for a corporation to contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register, or vote if the projects are not controlled by or operated for the advantage of a candidate, political party, or committee.*

*Subd. 10. [MEETING FACILITIES.] It is not a violation of this section for a corporation to provide meeting facilities to a committee, political party, or candidate on a nondiscriminatory and nonpreferential basis.*

*Subd. 11. [MESSAGES ON CORPORATE PREMISES.] It is not a violation of this section for a corporation selling products or services to the public to post on its public premises messages that promote participation in precinct caucuses, voter registration, or elections if the messages are not controlled by or operated for the advantage of a candidate, political party, or committee.*

*Subd. 12. [REPORTS REQUIRED.] The total amount of an expenditure or contribution for any one project permitted by subdivisions 9 and 11 that is more than \$200, together with the date, purpose, and the names and addresses of the persons receiving the contribution or expenditures, must be reported to the secretary of state. The reports must be filed on forms provided by the secretary of state on the dates required for committees under article 2, section 2. Failure to file is a misdemeanor.*

*Subd. 13. [AIDING VIOLATION; PENALTY.] An individual who aids, abets, or advises a violation of this section is guilty of a gross misdemeanor.*

*Subd. 14. [PROSECUTIONS; VENUE.] Violations of this section may be prosecuted in the county where the payment or contribution was made, where services were rendered, or where money was paid or distributed.*

**Sec. 16. [211B.15] [COUNTY ATTORNEY INQUIRY; ASSOCIATE COUNSEL.]**

*Subdivision 1. [COUNTY ATTORNEY INQUIRY.] A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction forfeits the office.*



*The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section. If, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with prosecution.*

*Subd. 2. [ASSOCIATE COUNSEL.] Anyone except the person under investigation or the person's agent may employ an attorney to assist the county attorney in the investigation and prosecution of a violation of this chapter. The county attorney and the court shall recognize the attorney as associate counsel for the proceeding. A prosecution, action, or proceeding must not be dismissed without notice to the associate counsel. If the associate counsel objects to the dismissal, the county attorney's reasons for dismissal and the associate counsel's objections must be filed with the court and heard within the time period the court requires.*

**Sec. 17. [211B.16] [FORFEITURE OF NOMINATION OR OFFICE; CIRCUMSTANCES WHERE NOT FORFEITED.]**

*Subdivision 1. [FORFEITURE OF NOMINATION OR OFFICE.] Except as provided in subdivision 2, if a candidate is found guilty of violating this chapter or an offense was committed by another individual with the knowledge, consent, or connivance of the candidate, the court, after entering the adjudication of guilty, shall enter a supplemental judgment declaring that the candidate has forfeited the nomination or office. If the court enters the supplemental judgment, it shall transmit to the filing officer a transcript of the supplemental judgment, the nomination or office becomes vacant, and the vacancy must be filled as provided by law.*

*Subd. 2. [CIRCUMSTANCES WHERE NOMINATION OR OFFICE NOT FORFEITED.] In a trial for a violation of this chapter, the candidate's nomination or election is not void if the court finds that:*

*(1) an offense, though committed by the candidate or with the candidate's knowledge, consent, or connivance, was trivial; or*

*(2) an act or omission of a candidate arose from accidental miscalculation or other reasonable cause, but in any case not from a want of good faith; and the court also finds that it would be unjust for a candidate to forfeit the nomination or election.*

*None of these findings is a defense to a conviction under this chapter.*

**Sec. 18. [211B.17] [DISQUALIFIED CANDIDATE NOT TO HOLD VARIOUS POSITIONS.]**

*A candidate whose election to office has been set aside for a violation of this chapter may not be appointed, during the period fixed by law as the term of the office, to fill a vacancy in that office. A candidate or other individual who is convicted of a violation of this chapter may not be appointed, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy that may occur in the office. An appointment to an office made contrary to the provisions of this section is void.*

*A candidate or other individual who is convicted of a violation of this chapter is not qualified, during the period fixed by law as the term of the office with respect to which the election was held and the offense was committed, to fill a vacancy in an office for which the legislature may establish qualifications under article XII, section 3, of the Minnesota Constitution.*

## Sec. 19. [211B.18] [PENALTIES FOR VIOLATION.]

*A violation of this chapter for which no other penalty is provided is a misdemeanor.*

## Sec. 20. [211B.19] [DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.]

*Subdivision 1. [PROHIBITION.] It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has filed for election to public office or to campaign workers accompanied by the candidate, if the candidate and workers seeking admittance to the facility do so solely for the purpose of campaigning. A violation of this section is a petty misdemeanor.*

*Subd. 2. [EXCEPTIONS.] Subdivision 1 does not prohibit:*

*(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;*

*(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;*

*(3) in the case of a nursing home, denial of permission to visit certain persons for valid health reasons;*

*(4) limiting visits by candidates or workers accompanied by the candidate to a reasonable number of persons or reasonable hours;*

*(5) requiring a prior appointment to gain access to the facility; or*

*(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.*

## Sec. 21. [APPLICABILITY.]

*Nothing in section 17 or 18 may be construed to limit the ability of each house of the legislature to act as judge of the election returns and eligibility of its own members.*

## Sec. 22. [EFFECTIVE DATE.]

*This act is effective July 1, 1988."*

*Delete the title and insert:*

*"A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 201.275; 204C.04; and 383A.297; Minnesota Statutes 1987 Supplement, sections 200.01; and 383B.041; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A, as amended."*

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

*House Conferees: (Signed) Linda J. Scheid, Bob Neuenschwander, Gerald Knickerbocker*

*Senate Conferees: (Signed) Donna C. Peterson, William P. Luther, Dean E. Johnson*

*Ms. Peterson, D.C. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 236 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. 236 was read the third time.

Ms. Peterson, D.C. moved that H.F. No. 236 be laid on the table. The motion prevailed.

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. 2536, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2536 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1988.

#### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2536

A bill for an act relating to elections; providing that statewide computerized voter registration system satisfy requirements for duplicate registration file; establishing voter registration account and appropriating money; changing certain procedures related to registration cards, files, and records; changing certain procedures for voting, arranging names on ballots, and completing summary statements; permitting cities or counties to use their present voting systems for general elections; amending Minnesota Statutes 1986, sections 201.091, subdivisions 2 and 5; 204D.08, subdivision 5; Minnesota Statutes 1987 Supplement, sections 201.022, subdivision 1; 201.071, subdivision 4; 204C.24, subdivision 1; 204D.08, subdivision 4; and 206.80; proposing coding for new law in Minnesota Statutes, chapter 201.

April 11, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 2536, 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) Howard R. Orenstein, Tom Osthoff, Gerald Knickerbocker

Senate Conferees: (Signed) William P. Luther, Donna C. Peterson, Gary W. Laidig

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2536 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. 2536 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	Merriam	Renneke
Anderson	Decker	Jude	Metzen	Solon
Beckman	DeCramer	Knutson	Moe, D.M.	Spear
Belanger	Dicklich	Kroening	Moe, R.D.	Storm
Benson	Diessner	Laidig	Morse	Stumpf
Berg	Frank	Langseth	Novak	Vickerman
Bernhagen	Frederick	Lantry	Pehler	Waldorf
Bertram	Frederickson, D.J.	Larson	Peterson, D.C.	Wegscheid
Brandl	Frederickson, D.R.	Luther	Peterson, R.W.	
Brataas	Freeman	Marty	Piper	
Chmielewski	Hughes	McQuaid	Purfeerst	
Cohen	Johnson, D.E.	Mehrkins	Ramstad	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2407.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1988

### FIRST READING OF HOUSE BILLS

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

H.F. No. 2407: A bill for an act relating to the state and local governments; providing that municipal volunteers are employees for purposes of tort claims; providing that employees and officers of the world trade center board and greater Minnesota corporation are state employees for purposes of state tort claims; providing that officers and directors of public corporations are immune from liability under standards for nonprofit corporations; clarifying immunity from civil liability for certain athletic officials; amending Minnesota Statutes 1986, sections 317.22, subdivision 4; 317.28; 466.01, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 44A.02, subdivision 3; 116O.03, by adding a subdivision; 116O.04, subdivision 2; 317.201, subdivision 1; 340A.801, subdivisions 1 and 4; 340A.802; and 604.08, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2426, now on Special Orders.

## MOTIONS AND RESOLUTIONS

Messrs. Bertram and Johnson, D.E. introduced—

Senate Resolution No. 143: A Senate resolution commending Major General James G. Sieben for 40 years of service in the Minnesota National Guard.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 144: A Senate resolution congratulating Bob Brink for being named 1988 Boys Basketball Coach of the Year.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Special Orders Calendar. The motion prevailed.

## SPECIAL ORDER

H.F. No. 453: A bill for an act relating to state investments; limiting investments in companies doing business in Northern Ireland; protecting public pension investment policy; authorizing early unreduced retirement under the rule of 90 for the Minnesota state retirement system and the teachers retirement association; amending Minnesota Statutes 1986, sections 354.44, subdivision 6; 354A.23, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 352.116, by adding a subdivision; 354A.31, subdivision 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 11A.

## CALL OF THE SENATE

Mr. Hughes imposed a call of the Senate for the balance of the proceedings on H.F. No. 453. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Brandl moved to amend H.F. No. 453, as amended pursuant to Rule 49, adopted by the Senate March 24, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 722.)

Page 1, delete lines 7 to 17 and insert:

"BE IT RESOLVED by the Legislature of the State of Minnesota that the British government should speedily enact legislation to promote affirmative action to eliminate political, religious, and ethnic discrimination in employment in Northern Ireland.

BE IT FURTHER RESOLVED that the Secretary of State of Minnesota shall transmit enrolled copies of this memorial to the British Ambassador in Washington, D.C., and the British Secretary of State for Northern Ireland."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Dicklich	Moe, R.D.	Storm
Beckman	Brandl	Diessner	Novak	Taylor
Belanger	Brataas	Knaak	Pehler	Waldorf
Benson	Decker	Moe, D.M.	Peterson, R.W.	Wegscheid

Those who voted in the negative were:

Adkins	Frank	Kroening	Mehrkens	Samuelson
Berg	Frederick	Langseth	Merriam	Schmitz
Bertram	Frederickson, D.J.	Lantry	Metzen	Solon
Chmielewski	Frederickson, D.R.	Larson	Morse	Spear
Cohen	Hughes	Lessard	Peterson, D.C.	Vickerman
Dahl	Johnson, D.E.	Luther	Piper	
Davis	Jude	Marty	Ramstad	
DeCramer	Knutson	McQuaid	Renneke	

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

Mr. Ramstad moved that the amendment made to H.F. No. 453 by the Committee on Rules and Administration in the report adopted March 24, 1988, pursuant to Rule 49, be stricken.

Mr. Moe, D.M. raised a point of order on the Ramstad motion as to germaneness. The President ruled the motion was in order.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.E.	Lessard	Ramstad
Anderson	Dicklich	Jude	McQuaid	Samuelson
Belanger	Frank	Knutson	Mehrkens	Solon
Benson	Frederick	Kroening	Metzen	Storm
Bernhagen	Frederickson, D.J.	Laidig	Pehler	Vickerman
Bertram	Frederickson, D.R.	Larson	Purfeerst	

Those who voted in the negative were:

Beckman	Decker	Lantry	Olson	Spear
Berg	DeCramer	Luther	Peterson, D.C.	Stumpf
Berglin	Diessner	Marty	Peterson, R.W.	Waldorf
Brandl	Freeman	Merriam	Piper	Wegscheid
Brataas	Gustafson	Moe, D.M.	Pogemiller	
Cohen	Hughes	Moe, R.D.	Reichgott	
Dahl	Knaak	Morse	Renneke	
Davis	Langseth	Novak	Schmitz	

The motion did not prevail.

Mrs. McQuaid moved to amend H.F. No. 453, as amended pursuant to Rule 49, adopted by the Senate March 24, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 722.)

Page 1, delete lines 7 to 17 and insert:

**"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. [11A.241] [INVESTMENT IN NORTHERN IRELAND.]**

*Subdivision 1. [LIST OF INVESTMENTS.] (a) By January 1 of each year, the state board shall:*

*(1) compile a list of corporations that, directly or through a subsidiary, do business in Northern Ireland and in whose stocks or obligations the board has invested under section 11A.24, subdivision 3 or 5;*

(2) determine whether each corporation on the list has, during the preceding year, taken affirmative action to eliminate religious or ethnic discrimination in Northern Ireland.

(b) In making the determination required by clause (2) of paragraph (a), the state board shall consider whether a corporation has during the preceding year taken substantial action designed to lead toward the achievement of the following goals, known internationally as the MacBride principles:

(1) increasing representation of persons from underrepresented religious groups at all levels on its workforce;

(2) providing adequate security for employees who are members of minority religious groups, both at the workplace and while traveling to and from work;

(3) banning provocative religious or political emblems from the workplace;

(4) publicly advertising all job openings and making special recruiting efforts to attract applicants from underrepresented religious groups;

(5) providing that layoff, recall, and termination procedures do not in practice favor workers who are members of particular religious groups;

(6) abolishing job reservations, apprenticeship restrictions, and differential employment criteria that discriminate on the basis of religious or ethnic origin;

(7) developing new programs and expanding existing programs to prepare current employees who are members of minority religious groups for skilled jobs;

(8) establishing procedures to assess, identify, and recruit employees who are members of minority religious groups and who have potential for advancement; and

(9) appointing senior management employees to oversee affirmative action efforts and the setting of timetables for carrying out clauses (1) to (8).

*Subd. 2. [INVESTMENT POLICY.] (a) Notwithstanding section 11A.24, with respect to corporations doing business in Northern Ireland the state board shall, consistent with sound investment policy, invest in corporate stocks or obligations in a manner to encourage corporations that, in the board's determination, pursue a policy of affirmative action in Northern Ireland.*

*(b) Whenever feasible, the board shall sponsor, cosponsor, or support shareholder resolutions designed to encourage corporations in which the board has invested to pursue a policy of affirmative action in Northern Ireland.*

*Subd. 3. [DIVESTMENT NOT REQUIRED.] Nothing in this section may be construed to require the state board to dispose of existing investments."*

Delete the title and insert:

"A bill for an act relating to state investments; limiting investments in companies doing business in Northern Ireland; proposing coding for new law in Minnesota Statutes, chapter 11A."

Mr. Moe, D.M. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Knaak moved to amend H.F. No. 453, as amended pursuant to Rule 49, adopted by the Senate March 24, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 722.)

Page 1, delete lines 7 to 17 and insert:

"WHEREAS, the State of Minnesota has benefited by many of its citizens and their ancestors having come from Ireland;

WHEREAS, the contributions of persons of Irish ancestry to the welfare of the State have been great and the people of Minnesota wish to acknowledge their contributions to our state;

WHEREAS, the citizens of Minnesota deplore the violence now associated with conditions in Northern Ireland, as well as acts of terrorism and violence throughout the world;

BE IT RESOLVED that March 17, 1989, be declared International Anti-Terrorism Day;

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare certified copies of this resolution and transmit them to the government of the Republic of Ireland as an expression of gratitude to the contributions of its citizens and of hope for continuing friendship between those citizens and the people of Minnesota."

Amend the title accordingly

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

Mr. Knaak then moved to amend H.F. No. 453, as amended pursuant to Rule 49, adopted by the Senate March 24, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 722.)

Page 1, after line 11, insert:

"BE IT FURTHER RESOLVED that the Legislature and the State of Minnesota intend to oppose and boycott any participation in the Olympic siting process and discourage participation by Minnesota athletes in the Olympics until the Berlin wall is removed and democratic elections are held in the German Democratic Republic."

Amend the title accordingly

Mrs. Lantry questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Knaak then moved to amend H.F. No. 453, as amended pursuant to Rule 49, adopted by the Senate March 24, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 722.)

Page 1, delete lines 7 to 17 and insert:

"BE IT RESOLVED by the Legislature and the State of Minnesota that Congress should speedily enact legislation to establish a bipartisan commission, in consultation with the United States Department of State and the foreign relations committees of the United States Senate and House of Representatives, to study and report on current topics of foreign policy and



international diplomacy, and to make recommendations in order to encourage the development of a coherent and uniform foreign policy and to curtail the growing trend of states' involvement in foreign policy matters beyond their jurisdiction.

BE IT FURTHER RESOLVED that the Secretary of State of Minnesota shall transmit enrolled copies of this memorial to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

Delete the title and insert:

"A resolution memorializing the President and Congress to establish a bipartisan commission to study and report on foreign policy and to recommend ways to curtail the trend of states' involvement in foreign policy matters beyond their jurisdiction."

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

Mr. Knaak then moved to amend H.F. No. 453, as amended pursuant to Rule 49, adopted by the Senate March 24, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 722.)

Page 1, after line 11, insert:

"BE IT FURTHER RESOLVED that the state board of investment should invest only in companies that actively seek to recruit, hire and promote Minnesota native Americans."

Amend the title accordingly

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

H.F. No. 453 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Merriam	Purfeerst
Berglin	Frank	Kroening	Metzen	Ramstad
Bertram	Frederickson, D.J.	Langseth	Moe, R.D.	Renneke
Brataas	Freeman	Lantry	Morse	Schmitz
Chmielewski	Hughes	Lessard	Pehler	Solon
Cohen	Johnson, D.E.	Luther	Peterson, D.C.	Spear
Dahl	Johnson, D.J.	Marty	Piper	Vickerman
Davis	Jude	McQuaid	Pogemiller	

Those who voted in the negative were:

Anderson	Bernhagen	Frederickson, D.R.	Moe, D.M.	Wegscheid
Beckman	Brandl	Gustafson	Novak	
Belanger	Decker	Knaak	Peterson, R.W.	
Benson	Diessner	Larson	Storm	
Berg	Frederick	Mehrrens	Taylor	

So the bill passed and its title was agreed to.

**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 has adopted the recommendation and report of the Conference Committee on House File No. 1795, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1795 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

**CONFERENCE COMMITTEE REPORT ON H.F. NO. 1795**

A bill for an act relating to human services; creating a task force to study building code standards for family and group family day-care homes; changing building code requirements concerning certain child care facilities; amending Minnesota Statutes 1987 Supplement, sections 16B.61, subdivision 3; and 245A.09, by adding a subdivision.

April 12, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1795, 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. 1795 be further amended as follows:

Page 2, line 27, delete "R" and insert "R-3"

Page 3, after line 6, insert:

*(h) No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger."*

Page 3, delete lines 7 to 18, and insert:

"Sec. 2. Minnesota Statutes 1987 Supplement, section 245A.04, is amended by adding a subdivision to read:

*Subd. 9. [VARIANCES.] The commissioner may grant variances to rules that do not affect the health or safety of persons in a licensed program if the following conditions are met:*

(1) the variance must be requested by an applicant or license holder on a form and in a manner prescribed by the commissioner;

(2) the request for a variance must include the reasons that the applicant or license holder cannot comply with a requirement as stated in the rule and the alternative equivalent measures that the applicant or license holder will follow to comply with the intent of the rule; and

(3) the request must state the period of time for which the variance is requested.

The commissioner's decision to grant or deny a variance request is final and not subject to appeal under the provisions of chapter 14.

Sec. 3. Minnesota Statutes 1987 Supplement, section 245A.14, is amended by adding a subdivision to read:

*Subd. 4. [SPECIAL FAMILY DAY CARE HOMES.] Nonresidential child care programs that are conducted at a location other than the license holder's own residence shall be licensed under the rules governing family day care or group family day care if:*

*(a) the license holder is the primary provider of care;*

*(b) the nonresidential child care program is conducted in a dwelling that is located on a residential lot; and*

*(c) the license holder complies with all other requirements of sections 245A.01 to 245A.15 and the rules governing family day care or group family day care.*

Sec. 4. Minnesota Statutes 1987 Supplement, section 245A.14, is amended by adding a subdivision to read:

*Subd. 5. [RULES GOVERNING STAFF QUALIFICATIONS IN NON-RESIDENTIAL CHILD CARE CENTERS.] The education and training requirements for nonresidential child care center staff contained in the rules that were in effect on January 1, 1988, shall be the minimum qualifications until July 1, 1991."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "allowing variance to rules for child care facilities in some circumstances; allowing use of double cylinder dead bolt locks in certain instances;"

Page 1, line 7, delete everything after the semicolon and insert "245A.04, by adding a"

Page 1, line 8, before the period insert "; and 245A.14, by adding subdivisions"

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

House Conferees: (Signed) Paul Anders Ogren, Roger M. Cooper, Steve A. Sviggum

Senate Conferees: (Signed) Linda Berglin, Pat Piper, Donald A. Storm

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1795 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. 1795 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Adkins	Cohen	Gustafson	Moe, D.M.	Samuelson
Anderson	Dahl	Johnson, D.E.	Moe, R.D.	Solon
Beckman	Davis	Jude	Morse	Spear
Belanger	Decker	Kroening	Novak	Storm
Benson	DeCramer	Langseth	Olson	Stumpf
Berg	Dicklich	Lantry	Peterson, D.C.	Vickerman
Berglin	Diessner	Lessard	Peterson, R.W.	Waldorf
Bernhagen	Frank	Luther	Piper	Wegscheid
Bertram	Frederick	McQuaid	Pogemiller	
Brandl	Frederickson, D.J.	Mehrkens	Purfeerst	
Brataas	Frederickson, D.R.	Merriam	Ramstad	
Chmielewski	Freeman	Metzen	Renneke	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pogemiller moved that the following members be excused for a Conference Committee on S.F. No. 1963 from 1:30 to 3:00 p.m.:

Mr. Gustafson, Ms. Reichgott and Mr. Pogemiller. The motion prevailed.

### 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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 63: A bill for an act relating to motor vehicles; providing that passenger automobile license plates be issued for a six-year period; providing for license plate replacement fees; amending Minnesota Statutes 1986, section 168.12, subdivisions 1, 2a, and 5; repealing Minnesota Statutes 1986, section 168.12, subdivisions 3 and 4.

There has been appointed as such committee on the part of the House: Simoneau; Johnson, A. and Knickerbocker.

Senate File No. 63 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

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 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2025: A bill for an act relating to financial institutions; regulating the business of mortgage bankers, loan officers, general mortgage brokers, and individual mortgage brokers; establishing licensing requirements; detailing the supervising powers of the commissioner; prohibiting certain practices; prescribing penalties; appropriating money; amending Minnesota Statutes 1986, sections 56.01; and 82.18; Minnesota Statutes 1987 Supplement, section 82.17, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 57; repealing Minnesota Statutes 1987 Supplement, sections 47.206, subdivision 6; and 82.175.

There has been appointed as such committee on the part of the House: Voss, Skoglund, Boo, Scheid and Hartle.

Senate File No. 2025 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1462: A bill for an act relating to housing; creating a low-income housing trust account; providing for the uses of the account; placing certain requirements on real estate trust accounts; appropriating money; amending Minnesota Statutes 1986, sections 82.24, by adding a subdivision; and 82.34, subdivisions 6 and 15; Minnesota Statutes 1987 Supplement, section 82.17, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 462A.

There has been appointed as such committee on the part of the House: Clark, Otis and Morrison.

Senate File No. 1462 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1590: A bill for an act relating to transportation; providing that uniform relocation assistance standards comply with recent amendments

to federal law; authorizing commissioner of transportation to accept gifts to department; appropriating gift funds to commissioner; exempting lessees of highway easement property from tax on its use and possession; providing that governmental body may file deed conveying partial parcel of land without current taxes having been paid on whole parcel; repealing conflicting provision related to charges for users of air transportation services provided by the commissioner of transportation; amending Minnesota Statutes 1986, section 161.20, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 117.52, subdivision 1; 272.01, subdivision 3; and 272.121; repealing Minnesota Statutes 1986, section 360.015, subdivision 20.

There has been appointed as such committee on the part of the House: Lieder, Kalis and Johnson, V.

Senate File No. 1590 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1821: A bill for an act relating to crimes; police pursuit; requiring certain driver's manual information; providing for civil forfeiture of vehicle used to flee a peace officer; requiring local governments to establish pursuit procedures and training requirements by October 1, 1989; authorizing peace officer standards and training board to assist local governments in establishing procedures and training requirements; requiring reporting of all police pursuits to department of public safety; amending Minnesota Statutes 1986, sections 171.13, by adding a subdivision; 626.843, subdivision 1; and 626.845, subdivision 1; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

There has been appointed as such committee on the part of the House: Segal, Kelly and Seaberg.

Senate File No. 1821 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2009, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2009: A bill for an act relating to family law; modifying and clarifying provisions for the collection and enforcement of child support; providing for cost-of-living adjustments in spousal maintenance awards; providing for grandparent visitation rights in all family law proceedings; providing for reopening of judgments; providing for custody rights; clarifying and modifying provisions relating to pension plan rights in marriage dissolutions; amending Minnesota Statutes 1986, sections 69.62; 256.978; 257.022, subdivision 2; 270A.03, subdivision 4; 383B.51; 423A.16; 424A.02, subdivision 6; 490.126, by adding a subdivision; 518.145; 518.156, subdivision 1; 518.17, subdivision 3; 518.171, by adding a subdivision; 518.175, by adding a subdivision; 518.551, by adding a subdivision; 518.552, by adding a subdivision; 518.54, by adding a subdivision; 518.611, subdivision 10; 518.64, subdivision 2; and 518.641; Minnesota Statutes 1987 Supplement, sections 356.80; 518.54, subdivision 10; 518.58, subdivision 2; 518.581, subdivision 4; and 518.611, subdivision 2.

Senate File No. 2009 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2003, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2003: A bill for an act relating to state government; providing for salary ranges for certain state employees; clarifying requirements for submitting certain salaries for legislative approval; requiring certain reports; regulating emergency civil service appointments; clarifying limits on certain salaries; authorizing the governor to change the salaries of newly appointed agency heads; regulating affirmative action; regulating separation from certain bargaining units; regulating health and other fringe benefit coverages; providing duties for the commissioner of employee relations; amending Minnesota Statutes 1986, sections 43A.04, subdivision 7; 43A.15, subdivisions 2 and 11; 43A.17, subdivisions 1 and 9; 43A.18, subdivision 5; 43A.19, subdivision 1; 43A.23, subdivisions 1 and 3; 43A.27, subdivision 3, and by adding a subdivision; 175.101, by adding a subdivision; and 179A.10, subdivision 3; Minnesota Statutes 1987 Supplement, sections 15A.081, subdivisions 1 and 7b; 15A.083, subdivision 7; 43A.08, subdivision 1a; 43A.191, subdivision 3; 43A.316, subdivisions 2, 4, 8, and by adding a subdivision; 43A.421; 44A.02, subdivision 1; 79.34, subdivision 1; 176.611, subdivisions 2 and 3a; and 214.04, subdivision 3.

Senate File No. 2003 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, herewith returned: S.F. No. 2465.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

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. 1966, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1966 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

#### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1966

A bill for an act relating to zoning; providing for filing requirements of variances and certain official maps to real property; amending Minnesota Statutes 1986, section 462.36, subdivision 1.

April 13, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1966, 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 A. Blatz, Loren G. Jennings, Jerry J. Bauerly

Senate Conferees: (Signed) William B. Belanger, Jr., Betty A. Adkins, David J. Frederickson

Mr. Belanger moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1966 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. 1966 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 47 and nays 0, as follows:

Those who voted in the affirmative were:



Adkins	Cohen	Freeman	Luther	Solon
Anderson	Dahl	Gustafson	McQuaid	Storm
Beckman	Davis	Hughes	Mehrkens	Stumpf
Belanger	Decker	Johnson, D.E.	Metzen	Taylor
Benson	DeCramer	Jude	Morse	Vickerman
Berg	Diessner	Kroening	Peterson, D.C.	Waldorf
Berglin	Frank	Langseth	Piper	Wegscheid
Bernhagen	Frederick	Lantry	Purfeerst	
Bertram	Frederickson, D.J.	Larson	Ramstad	
Chmielewski	Frederickson, D.R.	Lessard	Renneke	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Spear moved that the following members be excused for a Conference Committee on S.F. No. 2119 at 4:00 p.m.:

Messrs. Merriam; Peterson, R.W. and Spear. The motion prevailed.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Spear moved that the following members be excused for a Conference Committee on S.F. No. 392 at 5:00 p.m.:

Messrs. Laidig, Marty and Spear. The motion prevailed.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1851, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1851 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1851

A bill for an act relating to local government; regulating duties of town officers; setting town powers; amending Minnesota Statutes 1986, sections 18.272; 465.71; and 471.653; and Minnesota Statutes 1987 Supplement, section 115A.921; and repealing Minnesota Statutes 1986, section 365.03.

April 12, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1851, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment.

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

House Conferees: (Signed) Jerry J. Bauerly, Loren G. Jennings, Bob Anderson

Senate Conferees: (Signed) Jim M. Vickerman, Robert J. Schmitz, Dennis R. Frederickson

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1851 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. 1851 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Frederickson, D.R.	Luther	Ramstad
Anderson	Cohen	Freeman	McQuaid	Renneke
Beckman	Dahl	Gustafson	Mehrkens	Solon
Belanger	Davis	Hughes	Metzen	Storm
Benson	Decker	Johnson, D.E.	Moe, R.D.	Stumpf
Berg	DeCramer	Jude	Morse	Taylor
Berglin	Diessner	Kroening	Olson	Vickerman
Bernhagen	Frank	Lantry	Peterson, D.C.	Waldorf
Bertram	Frederick	Larson	Piper	Wegscheid
Brataas	Frederickson, D.J.	Lessard	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 adopted the recommendation and report of the Conference Committee on House File No. 1817, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1817 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1817

A bill for an act relating to watercraft; requiring lifesaving devices in duck boats; amending Minnesota Statutes 1986, section 361.141, subdivision 1.

April 13, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1817, 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. 1817 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 97B.425, is amended to read:

**97B.425 [BAITING BEARS.]**

*Notwithstanding section 609.68, a person ~~placing~~ may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. ~~A person may not use solid waste containing bottles, cans, plastic, paper, metal, or other materials that are not readily biodegradable as a bait to attract bear. To attract bear a person may not use a bait with:~~*

*(1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;*

*(2) solid waste containing bottles, cans, plastic, paper, or metal; or*

*(3) materials that are not readily biodegradable.*

Sec. 2. Minnesota Statutes 1986, section 97B.811, is amended to read:

**97B.811 [DECOYS AND BLINDS ON PUBLIC LANDS AND WATERS.]**

Subdivision 1. [BLINDS AND DECOYS PROHIBITED BEFORE SEASON.] A person may not erect a blind or place decoys in public waters or on public land more than one hour before the open season for waterfowl.

Subd. 2. [HOURS FOR PLACING DECOYS.] Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than one hour before ~~sunrise~~ *lawful shooting hours* during the open season *lawful shooting hours* for waterfowl.

Subd. 3. [RESTRICTIONS ON LEAVING DECOYS OVERNIGHT.] During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before ~~sunrise~~ *lawful shooting hours* unless:

(1) the decoys are in waters adjacent to private land under the control of the hunter; and

(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.

Subd. 4. [DECOYS THAT ARE NAVIGATIONAL HAZARD PROHIBITED.] A person may not leave decoys in public waters between sunset and one hour before ~~sunrise~~ *lawful shooting hours* if the decoys constitute a navigational hazard.

Sec. 3. Minnesota Statutes 1986, section 361.141, subdivision 1, is amended to read:

**Subdivision 1. [PERSONAL FLOTATION OR LIFESAVING DEVICES.]**

Watercraft and duck boats using the waters of this state shall be equipped with the number and type of personal flotation or lifesaving devices prescribed by the commissioner. The commissioner shall not require sailboards to be equipped with personal flotation or lifesaving devices. Nor shall the commissioner require persons on sailboards to wear those devices or have them readily available."

Delete the title and insert:

"A bill for an act relating to game and fish; prohibiting the use of certain meat in baiting bears; regulating placing decoys in public waters or on public lands; requiring lifesaving devices in duckboats; amending Minnesota Statutes 1986, sections 97B.425; 97B.811; and 361.141, subdivision 1."

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

House Conferees: (Signed) Brad G. Stanius, Bob Neuenschwander, Leo J. Reding

Senate Conferees: (Signed) Darril Wegscheid, Bob Lessard, John Bernhagen

Mr. Wegscheid moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1817 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. 1817 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Freeman	Luther	Ramstad
Anderson	Dahl	Gustafson	McQuaid	Renneke
Beckman	Davis	Hughes	Mehrkens	Solon
Belanger	Decker	Johnson, D.E.	Metzen	Storm
Benson	DeCramer	Jude	Moe, R.D.	Stumpf
Berg	Diessner	Kroening	Morse	Taylor
Berglin	Frank	Langseth	Novak	Vickerman
Bernhagen	Frederick	Lantry	Olson	Waldorf
Bertram	Frederickson, D.J.	Larson	Peterson, D.C.	Wegscheid
Brataas	Frederickson, D.R.	Lessard	Purfeerst	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Peterson, D.C. moved that H.F. No. 236 be taken from the table. The motion prevailed.

H.F. No. 236: A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 123.015; 200.015; 201.275; 204C.04; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Freeman	Luther	Ramstad
Anderson	Dahl	Gustafson	McQuaid	Renneke
Beckman	Davis	Hughes	Mehrkens	Schmitz
Belanger	Decker	Johnson, D.E.	Metzen	Solon
Benson	DeCramer	Jude	Moe, R.D.	Storm
Berg	Diessner	Kroening	Morse	Stumpf
Berglin	Frank	Langseth	Novak	Taylor
Bernhagen	Frederick	Lantry	Olson	Vickerman
Bertram	Frederickson, D.J.	Larson	Peterson, D.C.	Waldorf
Brataas	Frederickson, D.R.	Lessard	Purfeerst	Wegscheid

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Frederick moved that S.F. No. 1932 be taken from the table. The motion prevailed.

S.F. No. 1932: A bill for an act relating to transportation; exempting certain private carriers of fuel for use in agriculture-related businesses from certain hazardous materials regulations; amending Minnesota Statutes 1986, section 221.033, subdivision 1, and by adding a subdivision.

### CONCURRENCE AND REPASSAGE

Mr. Frederick moved that the Senate concur in the amendments by the House to S.F. No. 1932 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1932 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 44 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Freeman	Lessard	Schmitz
Anderson	Davis	Gustafson	Mehrkens	Solon
Beckman	Decker	Hughes	Moe, R.D.	Storm
Belanger	DeCramer	Johnson, D.E.	Morse	Stumpf
Benson	Diessner	Jude	Novak	Taylor
Berg	Frank	Kroening	Peterson, D.C.	Vickerman
Berglin	Frederick	Langseth	Purfeerst	Waldorf
Bernhagen	Frederickson, D.J.	Lantry	Ramstad	Wegscheid
Bertram	Frederickson, D.R.	Larson	Renneke	

Mr. Luther voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Novak moved that S.F. No. 2217 be taken from the table. The motion prevailed.

S.F. No. 2217: A bill for an act relating to state lands; authorizing transfer of certain state lands in Ramsey county to the city of Mounds View.

### CONCURRENCE AND REPASSAGE

Mr. Novak moved that the Senate concur in the amendments by the House to S.F. No. 2217 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2217 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Freeman	McQuaid	Renneke
Anderson	Dahl	Gustafson	Mehrkens	Schmitz
Beckman	Davis	Hughes	Moe, R.D.	Solon
Belanger	Decker	Johnson, D.E.	Morse	Storm
Benson	DeCramer	Jude	Novak	Stumpf
Berg	Diessner	Langseth	Olson	Taylor
Berglin	Frank	Lantry	Peterson, D.C.	Vickerman
Bernhagen	Frederick	Larson	Piper	Waldorf
Bertram	Frederickson, D.J.	Lessard	Purfeerst	Wegscheid
Brataas	Frederickson, D.R.	Luther	Ramstad	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mrs. Adkins moved that S.F. No. 1900 be taken from the table. The motion prevailed.

S.F. No. 1900: A bill for an act relating to the metropolitan airports commission; setting the borrowing authority of the commission; amending Minnesota Statutes 1986, section 473.667, subdivision 2.

### CONCURRENCE AND REPASSAGE

Mrs. Adkins moved that the Senate concur in the amendments by the House to S.F. No. 1900 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1900: A bill for an act relating to the metropolitan airports commission; setting the borrowing authority of the commission; providing for commission purposes, environmental review, and reports; amending Minnesota Statutes 1986, sections 473.602; and 473.667, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Frederickson, D.R.	Lessard	Ramstad
Anderson	Cohen	Freeman	Luther	Renneke
Beckman	Dahl	Gustafson	McQuaid	Schmitz
Belanger	Davis	Hughes	Mehrkins	Solon
Benson	Decker	Johnson, D.E.	Moe, R.D.	Storm
Berglin	DeCramer	Jude	Morse	Stumpf
Bernhagen	Diessner	Kroening	Olson	Taylor
Bertram	Frank	Langseth	Peterson, D.C.	Vickerman
Brandl	Frederick	Lantry	Piper	Waldorf
Brataas	Frederickson, D.J.	Larson	Purfeerst	Wegscheid

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that S.F. No. 1017 be taken from the table. The motion prevailed.

S.F. No. 1017: A bill for an act relating to Gillette children's hospital; authorizing the hospital board to incorporate as a nonprofit corporation; terminating its status as a public corporation; transferring its ownership of hospital property to the city of St. Paul; repealing Minnesota Statutes 1986, section 250.05, subdivisions 1, 2a, 3, 4, 5, and 6; and Minnesota Statutes 1987 Supplement, section 250.05, subdivisions 2 and 7.

## CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 1017 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1017: A bill for an act relating to Gillette children's hospital; authorizing the hospital board to incorporate as a nonprofit corporation; terminating its status as a public corporation; transferring its ownership of hospital property to the city of St. Paul; permitting repayment of a refund; repealing Minnesota Statutes 1986, section 250.05, subdivisions 1, 2a, 3, 4, 5, and 6; and Minnesota Statutes 1987 Supplement, section 250.05, subdivisions 2 and 7.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Frederickson, D.R.	Lessard	Purfeerst
Anderson	Cohen	Freeman	Luther	Ramstad
Beckman	Dahl	Gustafson	Mehrkins	Renneke
Belanger	Davis	Hughes	Moe, D.M.	Schmitz
Benson	Decker	Johnson, D.E.	Moe, R.D.	Storm
Berg	DeCramer	Jude	Morse	Stumpf
Berglin	Diessner	Kroening	Olson	Taylor
Bernhagen	Frank	Langseth	Pehler	Vickerman
Bertram	Frederick	Lantry	Peterson, D.C.	Waldorf
Brataas	Frederickson, D.J.	Larson	Piper	Wegscheid

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Freeman moved that S.F. No. 1937 be taken from the table. The motion prevailed.

S.F. No. 1937: A bill for an act relating to crimes; providing for seizure and forfeiture of property used in commission of crime, proceeds of crime, and contraband; creating a presumption that money, precious metals, and jewels found near controlled substances, and vehicles containing controlled substances, are subject to forfeiture; providing for administrative forfeiture of such property with opportunity for judicial determination; providing for summary forfeiture of contraband, certain controlled substances, weapons following a conviction, and certain plants; providing for forfeiture by judicial action of property and proceeds associated with controlled substance violations and designated offenses; eliminating the requirement that forfeiture actions be dismissed if no associated conviction results; providing that a conviction creates the presumption that after-acquired property constitutes forfeitable proceeds of the offense; eliminating the defense of an owner who negligently allowed the unlawful use of the owner's property; providing that the right to forfeitable property passes to law enforcement agencies upon commission of unlawful act; allowing seizure without process incident to a lawful search without a warrant and in other circumstances; allocating the proceeds of forfeitures to law enforcement agencies and county attorneys; amending Minnesota Statutes 1986, sections 152.205; 152.21, subdivision 6; and 609.531, subdivisions 4, 5, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1986, sections 152.19; and 609.531, subdivisions 2, 3, and 6.

**CONCURRENCE AND REPASSAGE**

Mr. Freeman moved that the Senate concur in the amendments by the House to S.F. No. 1937 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1937: A bill for an act relating to crimes; providing for seizure and forfeiture of property used in commission of crime, proceeds of crime, and contraband; creating a presumption that money, precious metals, and jewels found near controlled substances, and vehicles containing controlled substances, are subject to forfeiture; providing for administrative forfeiture of such property with opportunity for judicial determination; providing for summary forfeiture of contraband, certain controlled substances, weapons following a conviction, and certain plants; providing for forfeiture by judicial action of property and proceeds associated with controlled substance violations and designated offenses; eliminating the requirement that forfeiture actions be dismissed if no associated conviction results; providing that a conviction creates the presumption that after-acquired property constitutes forfeitable proceeds of the offense; eliminating the defense of an owner who negligently allowed the unlawful use of the owner's property; providing that the right to forfeitable property passes to law enforcement agencies upon commission of unlawful act; allowing seizure without process incident to a lawful search without a warrant and in other circumstances; allocating the proceeds of forfeitures to law enforcement agencies and county attorneys; including the cost of facilities and improvements in calculating the



confinement per diem for the Hennepin county corrections facility; increasing the amount that may be credited to the sheriff's contingent fund; amending Minnesota Statutes 1986, sections 152.205; 152.21, subdivision 6; 383B.128, subdivision 1; 387.212; and 609.531, subdivisions 4, 5, and by adding subdivisions; Minnesota Statutes 1987 Supplement, section 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1986, sections 152.19; and 609.531, subdivisions 2, 3, and 6.

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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Frederickson, D.R.	Larson	Pehler
Anderson	Dahl	Freeman	Lessard	Peterson, D.C.
Beckman	Davis	Gustafson	Luther	Ramstad
Belanger	Decker	Hughes	McQuaid	Renneke
Benson	DeCramer	Johnson, D.E.	Mehrkens	Schmitz
Berg	Dicklich	Jude	Metzen	Storm
Berglin	Diessner	Knutson	Moe, D.M.	Taylor
Bernhagen	Frank	Langseth	Moe, R.D.	Vickerman
Bertram	Frederickson, D.J.	Lantry	Morse	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2150 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2150

A bill for an act relating to state contracts; prohibiting the state from requiring Indian tribes or bands to deny their sovereignty to contract with the state; amending Minnesota Statutes 1986, section 16B.06, by adding a subdivision.

April 13, 1988

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2150, 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. 2150 be further amended as follows:

Page 1, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

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

Senate Conferees: (Signed) Charles R. Davis, Gary M. DeCramer, Donna

C. Peterson

House Conferees: (Signed) Jerome "J.P." Peterson, Tom Rukavina, Gerald Knickerbocker

Mr. Davis moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2150 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. 2150 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 43 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Brataas	Frederickson, D.R.	Lessard	Renneke
Anderson	Cohen	Freeman	Luther	Schmitz
Beckman	Dahl	Gustafson	McQuaid	Storm
Belanger	Davis	Hughes	Mehrkens	Stumpf
Benson	Decker	Jude	Metzen	Taylor
Berg	DeCramer	Kroening	Moe, R. D.	Vickerman
Berglin	Diessner	Langseth	Morse	Waldorf
Bernhagen	Frank	Lantry	Pehler	
Bertram	Frederickson, D.J.	Larson	Peterson, D.C.	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Brandl moved that the following members be excused for a Conference Committee on H.F. No. 2127 from 3:35 to 4:30 p.m.:

Messrs. Knutson, Pehler and Brandl. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1661 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1661

A bill for an act relating to charitable gambling; changing the definition of lawful purpose expenditures; clarifying the definition of organization; increasing the percentage of profit that may be used for expenses for certain organizations; licensing bingo halls; changing the definition of bingo occasion; requiring organizations to be directly responsible for the conducting of bingo; changing the definition of gross receipts for the purposes of bingo; changing the prize limits for bingo; amending Minnesota Statutes 1986, sections 349.19, subdivision 1; 349.211, subdivision 1; Minnesota Statutes 1987 Supplement, sections 349.12, subdivision 11; 349.17, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1986, section 349.211, subdivision 2.

April 13, 1988

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1661, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1661 be further amended as follows:

Page 2, line 3, strike the second "the"

Page 2, line 4, strike "maintaining or repairing real property"

Page 2, line 5, strike "owned or leased by an organization" and delete the new language

Page 2, line 6, delete the new language and strike "; or (e)"

Page 2, line 10, delete "or" and after "expansion" insert ", repair, or maintenance"

Page 2, line 13, reinstate the stricken language and delete the new language

Page 2, line 14, delete everything after "(c)"

Page 2, delete line 15

Page 2, line 16, delete everything before the period

Page 3, line 26, delete "admission" and delete "for entering the premises" and insert "to a person at a bingo occasion, without which the person could not play a bingo game."

Page 3, delete line 27

Page 5, delete sections 6 and 7, and insert:

"Sec. 6. [STUDY.]

*The senate committee on general legislation and public gaming and the house committee on general legislation, veterans affairs, and gaming shall conduct a joint study to examine whether charitable gambling laws are being properly enforced, whether the amount being devoted to charitable purposes from charitable gambling is appropriate, and whether taxes due on the conduct of charitable gambling are actually being collected. The charitable gambling control board, the commissioner of revenue, and the director of the bureau of criminal apprehension shall cooperate in the conduct of this study. The study must be completed by January 15, 1989.*

Sec. 7. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete "limits for bingo" and insert "requiring a study on charitable gambling"

Page 1, line 12, delete everything after the semicolon

Page 1, line 13, delete "1;"

Page 1, line 16, delete everything after "349"

Page 1, line 17, delete everything before the period

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

Senate Conferees: (Signed) Marilyn M. Lantry, A.W. "Bill" Diessner, Dean E. Johnson

House Conferees: (Signed) Leo J. Reding, Ben Boo, Richard Kostohryz

Mrs. Lantry moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1661 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. 1661 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 41 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Gustafson	Luther	Schmitz
Anderson	Decker	Hughes	McQuaid	Storm
Beckman	DeCramer	Jude	Mehrkens	Stumpf
Benson	Diessner	Knutson	Metzen	Taylor
Berg	Frank	Kroening	Morse	Vickerman
Berglin	Frederick	Langseth	Pehler	
Bernhagen	Frederickson, D.J.	Lantry	Peterson, D.C.	
Cohen	Frederickson, D.R.	Larson	Ramstad	
Dahl	Freeman	Lessard	Renneke	

Messrs. Bertram and Waldorf voted in the negative.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1610 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1610

A bill for an act relating to advertising devices; providing for specific service signs relating to rural agricultural businesses and places of worship to be displayed along highways; amending Minnesota Statutes 1986, sections 160.292, subdivisions 2 and 10; 160.293, subdivisions 1 and 3; and 160.295, by adding a subdivision.

April 13, 1988

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1610, 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) Joe Bertram, Sr., Lyle G. Mehrkens, Gene Merriam

House Conferees: (Signed) Harold F. Lasley, Phil Carruthers, Virgil J. Johnson

Mr. Bertram moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1610 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. 1610 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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Gustafson	McQuaid	Ramstad
Anderson	Dahl	Hughes	Mehrkens	Renneke
Beckman	Davis	Johnson, D.E.	Metzen	Schmitz
Belanger	Decker	Jude	Moe, D.M.	Storm
Benson	DeCramer	Knutson	Moe, R.D.	Stumpf
Berg	Diessner	Kroening	Morse	Taylor
Berglin	Frank	Langseth	Pehler	Vickerman
Bernhagen	Frederick	Larson	Peterson, D.C.	
Bertram	Frederickson, D.J.	Lessard	Piper	
Brataas	Frederickson, D.R.	Luther	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. 1646 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1646

A bill for an act relating to insurance; accident and health; clarifying certain coverages for newborn infants; amending Minnesota Statutes 1986, section 62A.042.

April 13, 1988

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1646, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1646 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 62A.042, is amended to read:

**62A.042 [FAMILY COVERAGE; COVERAGE OF NEWBORN INFANTS.]**

Subdivision 1. [INDIVIDUAL FAMILY POLICIES; RENEWALS.] (a) No policy of individual accident and sickness insurance which provides for insurance for more than one person under section 62A.03, subdivision 1, clause (3), and no individual health maintenance contract which provides for coverage for more than one person under chapter 62D, shall be renewed to insure or cover any person in this state or be delivered or issued for delivery to any person in this state unless ~~such~~ the policy or contract includes as insured or covered members of the family any newborn infants immediately from the moment of birth and thereafter which insurance or contract shall provide coverage for illness, injury, congenital malformation or premature birth.

*(b) The coverage under paragraph (a) includes benefits for inpatient or outpatient expenses arising from medical and dental treatment up to age 18, including orthodontic and oral surgery treatment, involved in the management of birth defects known as cleft lip and cleft palate. If orthodontic services are eligible for coverage under a dental insurance plan and another policy or contract, the dental plan shall be primary and the other policy or contract shall be secondary in regard to the coverage required under paragraph (a). Payment for dental or orthodontic treatment not related to the management of the congenital condition of cleft lip and cleft palate shall not be covered under this provision.*

Subd. 2. [GROUP POLICIES; RENEWALS.] (a) No group accident and sickness insurance policy and no group health maintenance contract which provide for coverage of family members or other dependents of an employee or other member of the covered group shall be renewed to cover members of a group located in this state or delivered or issued for delivery to any person in this state unless ~~such~~ the policy or contract includes as insured or covered family members or dependents any newborn infants immediately from the moment of birth and thereafter which insurance or contract shall provide coverage for illness, injury, congenital malformation or premature birth.

*(b) The coverage under paragraph (a) includes benefits for inpatient or outpatient expenses arising from medical and dental treatment up to age 18, including orthodontic and oral surgery treatment, involved in the management of birth defects known as cleft lip and cleft palate. If orthodontic services are eligible for coverage under a dental insurance plan and another policy or contract, the dental plan shall be primary and the other policy or contract shall be secondary in regard to the coverage required under paragraph (a). Payment for dental or orthodontic treatment not related to the management of the congenital condition of cleft lip and cleft palate shall not be covered under this provision.*

Sec. 2. Minnesota Statutes 1986, section 62A.044, is amended to read:

**62A.044 [PAYMENTS TO GOVERNMENTAL INSTITUTIONS.]**

No group or individual policy of accident and sickness insurance issued or renewed after May 22, 1973 pursuant to this chapter, no group or individual service plan or subscriber contract issued or renewed after May 22,

1973 pursuant to chapter 62C, and no group or individual health maintenance contract issued or renewed after August 1, 1984, pursuant to chapter 62D, shall contain any provision *excluding, denying, or prohibiting payments for covered and authorized services rendered or paid by a hospital or medical institution owned or operated by the federal, state, or local government, including correctional facilities, or practitioners therein in any instance wherein charges for such services are imposed against the policy holder, subscriber, or enrollee.* The unit of government operating the institution may maintain an action for recovery of such charges.

Sec. 3. [62A.161] [COVERAGE FOR SERVICES PROVIDED TO A VENTILATOR-DEPENDENT PERSON.]

*Subdivision 1. [SCOPE OF COVERAGE.] This section applies to all policies of accident and health insurance, group subscriber contracts offered by nonprofit health service plan corporations regulated under chapter 62C, health maintenance contracts regulated under chapter 62D, and health benefit certificates offered through a fraternal beneficiary association regulated under chapter 64B. This section does not apply to policies designed primarily to provide coverage payable on a per diem, fixed indemnity or nonexpense incurred basis, or policies that provide only accident coverage.*

*Subd. 2. [REQUIRED COVERAGE.] If a policy, plan, certificate, or contract referred to in subdivision 1 issued or renewed after August 1, 1988, provides coverage for services provided by a private duty nurse or personal care assistant to a ventilator-dependent person in the person's home, it must provide coverage for up to 120 hours of services provided by a private duty nurse or personal care assistant to the ventilator-dependent person during the time the ventilator-dependent person is in a hospital licensed under chapter 144. The personal care assistant or private duty nurse shall perform only the services of communicator or interpreter for the ventilator-dependent patient during a transition period of up to 120 hours to assure adequate training of the hospital staff to communicate with the patient and to understand the unique comfort, safety and personal care needs of the patient.*

Sec. 4. Minnesota Statutes 1987 Supplement, section 62A.27, is amended to read:

62A.27 [COVERAGE FOR ADOPTED CHILDREN.]

~~No~~ An individual or group policy or plan of health and accident insurance regulated under this chapter or chapter 64B, subscriber contract regulated under chapter 62C, or health maintenance contract regulated under chapter 62D, ~~providing coverage for more than one person may be issued or renewed in this state after August 1, 1983, unless the policy, plan, or contract covers that provides coverage to a Minnesota resident must cover adopted children of the insured, subscriber, or enrollee on the same basis as other dependents. Consequently, the policy or plan shall not contain any provision concerning preexisting condition limitations, insurability, eligibility, or health underwriting approval concerning adopted children.~~

The coverage required by this section is effective from the date of placement for the purpose of adoption and continues unless the placement is disrupted prior to legal adoption and the child is removed from placement.

Sec. 5. [243.255] [PRIVATE INSURANCE POLICIES; SUBROGATION.]

*Subdivision 1. [DEFINITIONS.] As used in this section:*

(a) "Commissioner" means the commissioner of corrections;

(b) "Inmate" means a person who has been sentenced to incarceration in a state or local correctional facility, including persons committed in accordance with section 631.425 or released for employment under section 241.26; and

(c) "Private insurance coverage" means coverage for medical care or services under any insurance plan regulated by chapter 62A, 62C, 62D, 64B, or 65B. Private insurance coverage also includes any self-insurance plan providing medical care or services.

*Subd. 2. [SUBROGATION RIGHTS.] When the commissioner or a county agency provides medical care or services pursuant to section 241.021, subdivision 4, or any rule adopted under it to any inmate having private insurance coverage, the commissioner or county agency shall be subrogated, to the extent of the cost of services provided, to any rights the inmate may have under the terms of any private insurance coverage. This provision supersedes any inconsistent policy provision.*

*Subd. 3. [CIVIL ACTION.] The county attorney may institute a civil action against the carrier of the private insurance coverage to recover under this section on behalf of the county agency.*

*Subd. 4. [POLICY EXCLUSIONS PROHIBITED.] The provisions of section 62A.044 apply to this section.*

#### **Sec. 6. [EFFECTIVE DATES.]**

*Sections 1 and 3 are effective August 1, 1988, and apply to policies issued or renewed on or after that date. Section 4 is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to insurance; accident and health; clarifying certain coverages for newborn infants; requiring coverage for services provided to a ventilator-dependent person; modifying coverage for adopted children; providing certain payment and subrogation rights for medical care and services provided to inmates; amending Minnesota Statutes 1986, sections 62A.042; and 62A.044; Minnesota Statutes 1987 Supplement, section 62A.27; proposing coding for new law in Minnesota Statutes, chapters 62A and 243."

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

Senate Conferees: (Signed) Gary M. DeCramer, Richard J. Cohen, Sam G. Solon, James C. Pehler

House Conferees: (Signed) Norman R. DeBlieck, Wes Skoglund, Howard R. Orenstein, Joseph Quinn, David T. Bishop

Mr. DeCramer moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1646 be now adopted, and that the bill be repassed as amended by the Conference committee.

Mr. Larson moved that the recommendations and Conference Committee Report on S.F. No. 1646 be rejected, the Conference Committee discharged, and that a new Conference Committee be appointed by the Subcommittee on Committees to act with a like Conference Committee appointed on the part of the House.



### CALL OF THE SENATE

Mr. DeCramer imposed a call of the Senate for the balance of the proceedings on S.F. No. 1646. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Larson.

The roll was called, and there were yeas 23 and nays 28, as follows:

Those who voted in the affirmative were:

Adkins	Bernhagen	Frederickson, D.R.	Larson	Renneke
Anderson	Brataas	Gustafson	McQuaid	Storm
Belanger	Decker	Johnson, D.E.	Mehrkens	Taylor
Benson	Diessner	Jude	Olson	
Berg	Frederick	Knaak	Ramstad	

Those who voted in the negative were:

Beckman	DeCramer	Luther	Pehler	Stumpf
Bertram	Dicklich	Merriam	Peterson, D.C.	Vickerman
Chmielewski	Frank	Moe, D.M.	Pogemiller	Waldorf
Cohen	Frederickson, D.J.	Moe, R.D.	Purfeerst	Wegscheid
Dahl	Kroening	Morse	Schmitz	
Davis	Langseth	Novak	Solon	

The motion did not prevail.

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

S.F. No. 1646 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 36 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Novak	Taylor
Beckman	Dicklich	Kroening	Pehler	Vickerman
Bertram	Diessner	Langseth	Peterson, D.C.	Waldorf
Brandl	Frank	Luther	Pogemiller	Wegscheid
Chmielewski	Frederickson, D.J.	McQuaid	Purfeerst	
Cohen	Hughes	Merriam	Schmitz	
Dahl	Johnson, D.E.	Moe, R.D.	Solon	
Davis	Johnson, D.J.	Morse	Stumpf	

Those who voted in the negative were:

Anderson	Bernhagen	Frederickson, D.R.	Mehrkens	Renneke
Belanger	Brataas	Gustafson	Moe, D.M.	Storm
Benson	Decker	Knaak	Olson	
Berg	Frederick	Larson	Ramstad	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Freeman moved that the following members be excused for a Conference Committee on S.F. No. 2025 at 5:00 p.m.:

Mrs. Lantry, Ms. Peterson, D.C.; Messrs. Belanger; Peterson, R.W. and

Freeman. The motion prevailed.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dahl moved that the following members be excused for a Conference Committee on H.F. No. 1935 at 6:00 p.m.:

Messrs. Dicklich, Lessard and Dahl. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2255 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2255

A bill for an act relating to agriculture; extending certain benefits under the family farm security act; amending Minnesota Statutes 1986, section 41.57, subdivision 4.

April 14, 1988

The Honorable Jerome M. Hughes  
President of the Senate

The Honorable Robert Vanasek  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2255, 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. 2255 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 41.57, subdivision 4, is amended to read:

Subd. 4. [ADDITIONAL PAYMENT; PRINCIPAL REDUCTION.] (a) The commissioner must annually pay to qualified sellers of property, financed by a family farm security loan, an amount approximately equal to the additional state income tax paid as a result of the inclusion in gross income of the interest and payment adjustment earned on a seller sponsored family farm security loan. No payment may be made under this subdivision to a qualified seller, unless the seller agrees to reduce the outstanding principal amount of the loan by three percent effective *prior to or beginning for* the year in which application is made.

(b) The payment amount must be determined as follows:

(+) In order to qualify for a payment, the seller must apply to the commissioner by October 1, ~~1986~~ *following the previous tax year*. The application must include a copy of the seller's ~~1985~~ *previous tax year* state income tax return. The commissioner must recompute the seller's total state income tax liability that would be due if the interest and payment adjustment amounts were not includable in gross income for state income tax purposes. The commissioner may require the seller to compute these amounts as part of the application. For *any* calendar year ~~1986~~ the amount of the payment equals the reduction in state income tax liability that would occur if the interest and payment adjustment were not included in gross income for

state tax purposes.

(2) For calendar years beginning with 1987, the additional payment amount must be determined as follows: (A) The calendar year 1986 payment must be divided by the amount of interest and payment adjustment received during calendar year 1986. (B) The resulting quotient must be multiplied by the interest and payment adjustment received for the calendar year. (C) The product determined under clause (B) is the payment for the calendar year.

(e) If for a tax year after 1986 the qualified seller's taxable income has changed substantially, the commissioner may provide by rule that upon reapplication a later tax year will be used to compute the quotient under clause (b)(2)(A).

(d)(1) (c) If the seller elects to receive payments under this subdivision, the buyer's payments of principal and interest under the loan must be recalculated. The revised payment schedule must reflect the three percent reduction in the outstanding principal required by paragraph (a) and must provide for equal payments over the remaining term of the loan. The interest rate on the loan may not be increased.

(2) The state's payment adjustment under subdivision 2 and the amount of the payment under paragraph (b) must be calculated on the basis of the outstanding principal amount of the loan before the reduction required by paragraph (a).

(e) (d) The commissioner may make the payments under this subdivision in the same manner provided for the payment adjustment under subdivision 2.

(f) (e) For purposes of this subdivision, the following terms have the meanings given:

(1) "Gross income" means gross income as defined for purposes of chapter 290.

(2) "Qualified seller" means an individual who sold farm land under a seller sponsored loan after April 1, 1978 and before June 28 December 31, 1985, and who is a resident of Minnesota during the calendar year and is subject to the payment of Minnesota income taxes.

## Sec. 2. [41.63] [DATA PRIVACY.]

*Personal financial information, credit reports, financial statements, tax refund calculations, and net worth statements, received or prepared by the commissioner regarding any family farm security loans, are private data on individuals under chapter 13.*

## Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to agriculture; extending certain benefits under the family farm security act; amending Minnesota Statutes 1986, section 41.57, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 41."

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

Senate Conferees: (Signed) Jim M. Vickerman, Gene Merriam, Earl W.

**Renneke**

House Conferees: (Signed) Ted Winter, Chuck Brown, K.J. McDonald

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2255 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. 2255 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 41 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Hughes	Moe, R.D.	Storm
Anderson	Davis	Jude	Morse	Stumpf
Beckman	DeCramer	Knaak	Novak	Taylor
Benson	Dicklich	Kroening	Olson	Vickerman
Berg	Diessner	Larson	Pehler	Waldorf
Bernhagen	Frank	Luther	Ramstad	
Bertram	Frederick	McQuaid	Reichgott	
Brataas	Frederickson, D.J.	Merriam	Renneke	
Cohen	Frederickson, D.R.	Moe, D.M.	Schmitz	

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, 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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2055: A bill for an act relating to human services; defining terms; requiring that court receive annual reviews of people with indeterminate commitments; providing for court-ordered community-based treatment; defining procedures for community-based commitment; requiring procedures for release before commitment and provisional discharge; appropriating money; amending Minnesota Statutes 1986, sections 253B.02, subdivisions 13, 19, and by adding subdivisions; 253B.03, subdivision 5; 253B.09, subdivision 1; 253B.15, subdivisions 1, 3, 5, 6, 7, and by adding a subdivision; and 253B.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 253B; repealing Minnesota Statutes 1986, section 253B.09, subdivision 4.

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

Vellenga, Stanius and Carruthers.

Senate File No. 2055 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2266: A bill for an act relating to child abuse; authorizing counties to establish pilot programs; allowing the appointment of a child intermediary in certain criminal child abuse proceedings; prescribing powers and duties of the intermediary.

There has been appointed as such committee on the part of the House: Carruthers, Kelly and Blatz.

Senate File No. 2266 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1988

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2477:

H.F. No. 2477: A bill for an act relating to retirement; local government correctional service retirement plan; clarifying coverage periods; adjusting member and employer contribution rates; clarifying annuity calculations for fractional service; clarifying the duration of initial annuity payments; providing for the augmentation of deferred annuities; clarifying certain provisions of law relating to retirement annuities and disability benefits of military affairs personnel; amending Minnesota Statutes 1987 Supplement, sections 352.85, subdivisions 1 and 2; 353C.03; 353C.05; 353C.06, subdivisions 3 and 4; and 353C.07.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Simoneau, Rukavina and Knickerbocker have been appointed as such committee on the part of the House.

House File No. 2477 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

Mr. Wegscheid moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2477, 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 adopted the recommendation and report of the Conference Committee on House File No. 2265, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2265 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2265

A bill for an act relating to natural resources; correcting certain provisions for net size for the taking of ciscoes; amending Minnesota Statutes 1986, section 97C.805, subdivision 2.

April 12, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 2265, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2265 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 97A.015, subdivision 52, is amended to read:

Subd. 52. [UNPROTECTED BIRDS.] "Unprotected birds" means English sparrow, blackbird, crow, starling, magpie, cormorant, common pigeon, and great horned owl.

Sec. 2. Minnesota Statutes 1986, section 97A.121, subdivision 2, is amended to read:

Subd. 2. [SEASON.] The open season for hunting in private shooting preserves is from ~~September 1~~ July 15 through ~~March 31~~ April 15. Sanctioned registered field trials in private shooting preserves may be held from April 16 to July 14 after notification to the commissioner. The commissioner may restrict the open season after receiving a complaint, holding a public hearing, and finding that the population of wild game birds is in danger by hunting in the preserve.

Sec. 3. Minnesota Statutes 1986, section 97A.121, is amended by adding a subdivision to read:

Subd. 4a. [PHEASANTS.] A private shooting preserve licensed to release

*pheasants must release at least 500 pheasants on the licensed shooting preserve area during the private shooting preserve hunting season. At least 20 pheasants must be released within 14 days before a day that pheasants are hunted. The number of pheasants harvested may not exceed 95 percent of the number of pheasants released during the private shooting preserve hunting season.*

Sec. 4. Minnesota Statutes 1986, section 97A.435, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner's order. A person is eligible for a turkey license only if the person is a resident and at least age 16 before the season opens *or possesses a firearms safety certificate.*

Sec. 5. Minnesota Statutes 1986, section 97A.445, subdivision 2, is amended to read:

Subd. 2. [ANGLING; INSTITUTIONAL RESIDENTS.] A license is not required to take fish by angling with the written consent of the superintendent or chief executive of the institution for the following persons:

- (1) a resident of a state hospital;
- (2) a patient of a United States Veterans Administration hospital; ~~and~~
- (3) an inmate of a state correctional facility; *and*
- (4) *a resident of a nursing home.*

Sec. 6. [97B.106] [CROSSBOW PERMITS FOR HUNTING.]

*The commissioner may issue a special permit, without a fee, to take deer or turkey with a crossbow to a person that is unable to hunt by archery because of a permanent physical disability. The disability, established by medical evidence, and the inability to hunt by archery must be verified in writing by a licensed physician. The person must obtain the appropriate license. The crossbow must:*

- (1) *be fired from the shoulder;*
- (2) *deliver at least 42 foot-pounds of energy at a distance of ten feet;*
- (3) *have a stock at least 30 inches long;*
- (4) *have a working safety; and*
- (5) *be used with arrows or bolts at least ten inches long with a broadhead.*

Sec. 7. Minnesota Statutes 1986, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. [STAMP REQUIRED.] (a) Except as provided in paragraph (b), a person required to possess a small game license may not hunt pheasants without a pheasant stamp in possession.

(b) The following persons are exempt from this subdivision:

- (1) residents under age 18 or over age 65; and
- (2) persons hunting on licensed private shooting preserves ~~in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties.~~

Sec. 8. Minnesota Statutes 1986, section 97B.731, is amended by adding

a subdivision to read:

*Subd. 3. [CROW SEASON.] The commissioner shall prescribe a 124-day open season and restrictions for taking crows. The open season may not be shorter than the maximum season allowed under federal law. The remainder of the year crows may be taken as allowed by federal law.*

**Sec. 9. [97C.347] [LANDING NETS.]**

*Subdivision 1. [USE AND POSSESSION.] A person may use and possess a landing net to net a fish taken by angling.*

*Subd. 2. [ELECTRIC LANDING NETS.] A person may net fish taken by angling with a battery powered landing net that discharges an electric current if the net is designed to temporarily immobilize the fish so that it can be safely released, provided the batteries do not exceed nine volts and the current produced does not exceed 40 milliamps.*

*Subd. 3. [STUDY; LIMITATION.] The commissioner must conduct a study to determine how electric landing nets affect the fishery resource, including proper law enforcement. The study must be completed by January 1, 1990.*

**Sec. 10. [97C.403] [RAINY RIVER WALLEYE RESTRICTIONS.]**

*Subdivision 1. [POSSESSION LIMIT.] The possession limit for walleyes taken from the Rainy River is six per day.*

*Subd. 2. [SIZE LIMIT.] (a) Except as provided in paragraph (b), only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.*

*(b) From March 1 until April 14, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches.*

*Subd. 3. [OPEN SEASON.] The open season for walleye in the Rainy River is from the third Saturday in May until April 14.*

*Subd. 4. [COMMISSIONER'S RESTRICTIONS.] The commissioner shall attempt to negotiate an agreement with the province of Ontario for walleye seasons and limits that substantially comply with subdivisions 1, 2, and 3, and make every effort to bilaterally close the Rainy River during the spawning season between March 1 and April 14. If an agreement is made, the commissioner may, by order, set different limits and seasons for taking walleyes from the Rainy River in accordance with the agreement, provided the size limits in subdivision 2 are not exceeded.*

**Sec. 11. Minnesota Statutes 1987 Supplement, section 97C.211, subdivision 1, is amended to read:**

*Subdivision 1. [LICENSE REQUIRED.] A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish, including minnows, for sale for, stocking waters or for, angling, or processing.*

**Sec. 12. Minnesota Statutes 1987 Supplement, section 97C.211, subdivision 2a, is amended to read:**

*Subd. 2a. [ACQUISITION OF FISH.] (a) A private fish hatchery may not obtain fish outside of the state unless the fish or the source of the fish are approved by the commissioner. The commissioner may apply more*



*stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waters, except as provided in section 97C.515, subdivision 4. A request may be for annual acquisition.*

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

(1) designate approved sources to obtain the desired fish or fish eggs; or

(2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Sec. 13. Minnesota Statutes 1986, section 97C.515, is amended by adding a subdivision to read:

*Subd. 4. [PRIVATE FISH HATCHERY.] A person with a private fish hatchery license may transport minnows from contiguous states to the private fish hatchery, provided the minnows are used for processing or feeding hatchery fish. The commissioner may require inspection of minnows transported from outside the state.*

Sec. 14. Minnesota Statutes 1986, section 97C.805, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] (a) The netting of lake whitefish and ciscoes is subject to the restrictions in this subdivision.

(b) A person may not use:

(1) more than two nets;

(2) a net more than 100 feet long; or

(3) a net more than three feet wide.

(c) The mesh size of the nets may not be less than:

(1) 1-3/4 inches, extension measure, for nets used to take ciscoes in Lake Superior; and

(2) 3-1/2 inches, extension measure, for all other nets.

(d) A net may not be set in water, including ice thickness, deeper than six feet.

(e) The commissioner may designate waters where nets may be set so that portions of the net extend into water deeper than six feet under conditions prescribed by the commissioner to protect game fish. A pole or stake must project at least two feet above the surface of the water or ice at one end of each net.

(f) A net may not be set within 50 feet of another net.

Sec. 15. Minnesota Statutes 1987 Supplement, section 378.22, subdivision 2, is amended to read:

Subd. 2. [POSTING REQUIREMENTS.] (a) Where an aeration system is used on the ice of public waters, signs shall be posted by the permittee at a height of from four to six feet in a rectangular pattern at each corner

of the open water, and additional signs between the corner signs so that a sign is posted at least every 100 feet.

(b) Additional signs shall be posted by the permittee on the shoreline of the public waters at each public access point and other areas commonly used by the public for access to the lake.

(c) The signs shall comply with the applicable order of the commissioner of natural resources.

Sec. 16. Minnesota Statutes 1986, section 378.22, is amended by adding a subdivision to read:

*Subd. 6. [PUBLIC WATERS WITHOUT ACCESS.] (a) A riparian landowner may aerate public waters with a permit under this subdivision if the public waters do not have a public access and the person aerating the public waters owns all of the riparian land or all of the possessory rights to the riparian lands.*

*(b) The provisions of this section do not apply to the aeration under this subdivision except the public waters must be posted as provided under subdivision 2, paragraphs (a) and (c).*

Sec. 17. [REPEALER.]

*Section 9 is repealed December 1, 1990. Minnesota Statutes 1987 Supplement, sections 97B.315 and 97C.402, are repealed.*

Sec. 18. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to game and fish; affording protection to and authorizing a season on crows; regulating seasons and release and taking of pheasants on private shooting preserves; authorizing residents under 16 to take turkeys if they possess a firearms safety certificate; authorizing nursing home residents to fish without a license and disabled hunters to take deer or turkey with crossbows; exempting hunters on shooting preserves from the pheasant stamp requirement; authorizing use of battery powered landing nets in taking fish; regulating the taking of walleyed pike in the Rainy River; redefining a private fish hatchery for licensing purposes and regulating the acquisition of fish and acquisition and transportation of minnows; regulating the mesh size of Lake Superior ciscoe nets and authorizing aeration of public waters by riparian landowners under permit; amending Minnesota Statutes 1986, sections 97A.015, subdivision 52; 97A.121, subdivision 2, and by adding a subdivision; 97A.435, subdivision 2; 97A.445, subdivision 2; 97B.715, subdivision 1; 97B.731, by adding a subdivision; 97C.515, by adding a subdivision; 97C.805, subdivision 2; 378.22, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 97C.211, subdivisions 1 and 2a; and 378.22, subdivision 2, proposing coding for new law in Minnesota Statutes, chapters 97B and 97C; repealing Minnesota Statutes 1987 Supplement, sections 97B.315 and 97C.402."

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

House Conferees: (Signed) Leo J. Reding, Brad G. Stanius, David P. Battaglia, Bob A. Johnson, Marcus M. Marsh

Senate Conferees: (Signed) Charles A. Berg, Roger D. Moe, Gene Merriam,

Dennis R. Frederickson, Bob Lessard

Mr. Berg moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2265 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. 2265 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 47 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.E.	Moe, D.M.	Schmitz
Anderson	Decker	Jude	Moe, R.D.	Solon
Beckman	DeCramer	Knaak	Morse	Storm
Benson	Dicklich	Langseth	Olson	Stumpf
Berg	Frank	Larson	Pehler	Taylor
Bernhagen	Frederick	Lessard	Pogemiller	Vickerman
Bertram	Frederickson, D.J.	Luther	Purfeerst	Wegscheid
Brataas	Frederickson, D.R.	McQuaid	Ramstad	
Chmielewski	Gustafson	Mehrkens	Reichgott	
Cohen	Hughes	Merriam	Renneke	

Messrs. Dahl, Kroening and Waldorf voted in the negative.

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2568, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2568 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2568

A bill for an act relating to agriculture; providing for terms and compensation for members of the Minnesota agricultural and economic development board; changing and clarifying the small business development loan portion of the agricultural resource loan guarantee program; establishing requirements for revenues that can be used in a local revolving fund; amending Minnesota Statutes 1987 Supplement, sections 41A.02, subdivisions 3 and 16; 41A.036, by adding subdivisions; and 116N.08, subdivision 8.

April 13, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 2568, 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. 2568 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 41A.02, subdivision 3, is amended to read:

Subd. 3. [MINNESOTA AGRICULTURAL AND ECONOMIC DEVELOPMENT BOARD; BOARD.] "Minnesota agricultural and economic development board" or "board" consists of the commissioner of finance as chair, the commissioner of agriculture, the commissioner of energy and economic development, the director of the pollution control agency, the president of the Greater Minnesota Corporation or the president's designee, and two public members with experience in finance, appointed by the Greater Minnesota Corporation. *The membership terms, compensation, removal, and filling of vacancies of public members of the board are as provided in section 15.0575.*

Sec. 2. Minnesota Statutes 1987 Supplement, section 41A.02, subdivision 16, is amended to read:

Subd. 16. [ELIGIBLE SMALL BUSINESS.] "Eligible small business" means:

(1) an enterprise determined by the board to constitute a small business concern as defined in regulations of the United States Small Business Administration under United States Code, title 15, sections 631 to 647; or

(2) a business an enterprise eligible to receive assistance under section 41A.036.

Sec. 3. Minnesota Statutes 1987 Supplement, section 41A.036, is amended by adding a subdivision to read:

Subd. 4. [EXEMPTION FROM LIMITATION.] *If the board determines that a revenue-producing enterprise is eligible for special assistance, the \$1,000,000 limitation established in subdivision 1 does not apply.*

Sec. 4. Minnesota Statutes 1987 Supplement, section 41A.036, is amended by adding a subdivision to read:

Subd. 5. [DESIGNATION; CRITERIA.] *A revenue-producing enterprise is not eligible to receive special assistance unless the board has passed a resolution designating the revenue-producing enterprise as being in need of special assistance. The resolution must include findings that the designation and receipt of the special assistance will be of exceptional benefit to the state of Minnesota in that at least three of the following criteria are met:*

(1) *to expand or remain in Minnesota, the revenue-producing enterprise has demonstrated that it cannot obtain suitable financing from other sources;*

(2) *special assistance will enable a revenue-producing enterprise not currently located in Minnesota to locate a facility in Minnesota that directly increases the number of jobs in the state;*

(3) the revenue-producing enterprise will create or retain significant numbers of jobs in a Minnesota community;

(4) the revenue-producing enterprise has a significant potential for growth in jobs or economic activities in Minnesota during the ensuing five-year period; and

(5) the revenue-producing enterprise will maintain a significant level of productivity in Minnesota during the ensuing five-year period.

Sec. 5. Minnesota Statutes 1987 Supplement, section 41A.036, is amended by adding a subdivision to read:

*Subd. 6. [SET ASIDE.] The board shall reserve at least \$3,000,000 for the purpose of making or purchasing small business development loans not exceeding \$250,000 in principal amount with respect to small business loans made or purchased by the board and not exceeding \$250,000 in principal amount with respect to the board's share when the board participates in making or purchasing small business loans.*

Sec. 6. Minnesota Statutes 1987 Supplement, section 116N.08, subdivision 8, is amended to read:

*Subd. 8. [LOCAL GOVERNMENTAL UNIT LOANS.] A local governmental unit may receive a loan under this section if the local governmental unit has established a local revolving loan fund and can provide at least an equal match to the loan received from a regional organization. For the purpose of providing the match to establish the local revolving loan fund, the local governmental unit may use any unencumbered money in the general fund of the unit. Revenues from tax increments derived from a district located within the boundaries of the local governmental unit may be used to fund a second local revolving loan fund only if (1) those revenues are loaned in a manner authorized in the district's tax increment financing plan to a business located within the tax increment district, and (2) the revenues are deposited in a loan fund that is separate from the loan fund in which general fund money is established. The local governmental unit may deposit up to \$50,000 of local public money in each of the local revolving funds that may be established under this subdivision. The maximum loan available to a local governmental unit under this section is \$50,000. The money loaned to a local governmental unit by a regional organization must be matched by the local revolving loan fund and used to provide loans to businesses to promote local economic development. One-half of the money loaned to a local governmental unit under this section by a regional organization must be repaid to the rural rehabilitation revolving fund. One-half of the money may be retained by the local governmental unit's revolving loan fund for further distribution by the local governmental unit.*

Sec. 7. [REPEALER.]

*Section 5 is repealed July 1, 1989.*

Sec. 8. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

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

House Conferees: (Signed) Katy Olson, Elton R. Redalen, Roger M. Cooper

Senate Conferees: (Signed) Tracy L. Beckman, David J. Frederickson, Jim M. Vickerman

Mr. Beckman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2568 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. 2568 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 45 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Frederickson, D.R.	Mehrkens	Reichgott
Anderson	Dahl	Gustafson	Moe, D.M.	Renneke
Beckman	Davis	Hughes	Moe, R.D.	Schmitz
Benson	Decker	Johnson, D.E.	Morse	Solon
Berg	DeCramer	Jude	Olson	Stumpf
Bernhagen	Diessner	Kroening	Pehler	Taylor
Bertram	Frank	Langseth	Pogemiller	Vickerman
Brataas	Frederick	Larson	Purfeerst	Waldorf
Chmielewski	Frederickson, D.J.	Luther	Ramstad	Wegscheid

Messrs. Merriam and Storm voted in the negative.

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2036, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2036 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2036

A bill for an act relating to crimes; prohibiting possession of fireworks; increasing penalties for selling or possessing certain quantities of fireworks; providing penalties; amending Minnesota Statutes 1986, sections 624.21; 624.23; and 624.25.

April 12, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 2036, 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. 2036 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 609.50, is amended to read:

**609.50 [OBSTRUCTING LEGAL PROCESS OR ARREST.]**

Whoever intentionally obstructs, hinders or prevents the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense or *obstructs, resists or interferes* with a peace officer while the officer is engaged in the performance of official duties, or by force or threat of force endeavors to obstruct any employee of the department of revenue while the employee is lawfully engaged in the performance of official duties for the purpose of deterring or interfering with the performance of those duties, may be sentenced as follows:

(1) If the act was accompanied by force or violence or the threat thereof, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

(2) In other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 2. Minnesota Statutes 1986, section 624.20, is amended to read:

**624.20 [FIREWORKS.]**

*Subdivision 1.* As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sky-rockets, Roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

*Subd. 2.* As used in sections 624.20 to 624.25, the term "explosive fireworks" means any fireworks that contain pyrotechnic or flash powder, gunpowder, black powder, or any other explosive compound constructed to produce detonation or deflagration.

Sec. 3. Minnesota Statutes 1986, section 624.21, is amended to read:

**624.21 [SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.]**

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, ~~or possess~~, use, or explode any fireworks. This section shall not be construed to prohibit the *possession*, use, or explosion of fireworks

by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

**Sec. 4. [624.221] [EXEMPTIONS FOR LICENSE OR PERMIT HOLDER.]**

*Sections 624.20, 624.21, and 624.23 to 624.25 do not apply to:*

*(a) the holders of a federal explosives license or permit issued pursuant to United States Code, title 18, chapter 40, or their agents when the holder or agent is acting in compliance with the conditions of licensure; or*

*(b) the holders of permits issued pursuant to section 624.22 or their agents, from the date of issuance until 20 days after the date of exhibition authorized by the permit, when the holder or agent is acting in compliance with the conditions of the permit and section 624.22.*

Sec. 5. Minnesota Statutes 1986, section 624.23, is amended to read:

**624.23 [CONSTRUCTION OF SECTIONS 624.20 TO 624.25.]**

Nothing in sections 624.20 to 624.25 shall be construed to prohibit any resident wholesaler, dealer, or jobber, from *possessing or selling at wholesale such fireworks as which are not herein prohibited; or the possession or sale of any kind of fireworks for shipment directly out of the state; or the possession or use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the possession, sale, or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or for use as a bird or animal repelling device.*

Sec. 6. Minnesota Statutes 1986, section 624.25, is amended to read:

**624.25 [VIOLATION.]**

Any person violating the provisions of sections 624.20 to 624.24 ~~shall~~ *may be guilty of a misdemeanor sentenced as follows:*

*(1) if the violation involves explosive fireworks in an amount of 35 pounds gross container weight or more, to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both;*

*(2) if the violation involves explosive fireworks in an amount of less than 35 pounds gross container weight, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both; and*

*(3) if the violation involves any amount of fireworks other than explosive fireworks, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both.*

**Sec. 7. [EFFECTIVE DATE.]**

*Section 1 is effective the day following final enactment. Sections 2 to 6 are effective August 1, 1988, and apply to crimes committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; clarifying the crime of obstructing



legal process or arrest; defining explosive fireworks; prohibiting possession of fireworks; increasing penalties for selling or possessing certain quantities of fireworks; providing penalties; amending Minnesota Statutes 1986, sections 609.50; 624.20; 624.21; 624.23; and 624.25; proposing coding for new law in Minnesota Statutes, chapter 624."

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

House Conferees: (Signed) Phil Carruthers, Bob Milbert, Randy C. Kelly

Senate Conferees: (Signed) William P. Luther, John J. Marty, Howard A. Knutson

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2036 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. 2036 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Hughes	Merriam	Renneke
Anderson	Davis	Johnson, D.E.	Moe, R.D.	Schmitz
Beckman	Decker	Jude	Morse	Spear
Benson	DeCramer	Kroening	Olson	Storm
Bernhagen	Diessner	Laidig	Pehler	Stumpf
Bertram	Frank	Luther	Pogemiller	Taylor
Brandl	Frederickson, D.J.	Marty	Purfeerst	Vickerman
Brataas	Frederickson, D.R.	McQuaid	Ramstad	Waldorf
Chmielewski	Gustafson	Mehrkens	Reichgott	Wegscheid

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2185, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2185 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1988

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 2185

A bill for an act relating to game and fish; adjusting the height of deer stands; regulating placing decoys in public waters or on public lands; amending Minnesota Statutes 1986, sections 97B.325; and 97B.811.

April 12, 1988

The Honorable Robert Vanasek  
Speaker of the House of Representatives

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 2185, 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. 2185 be further amended as follows:

Page 1, line 12, delete "12" and insert "16"

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

House Conferees: (Signed) Wally A. Sparby, Phyllis Kahn, Willard Munger

Senate Conferees: (Signed) LeRoy A. Stumpf, Gene Merriam, Bob Lessard

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2185 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. 2185 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 36 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Lessard	Novak	Spear
Berg	Frank	Luther	Olson	Storm
Bernhagen	Frederickson, D.J.	Marty	Peterson, D.C.	Stumpf
Bertram	Frederickson, D.R.	McQuaid	Purfeerst	Vickerman
Chmielewski	Gustafson	Merriam	Ramstad	
Cohen	Hughes	Moe, D.M.	Reichgott	
Davis	Jude	Moe, R.D.	Renneke	
Decker	Larson	Morse	Schmitz	

Those who voted in the negative were:

Adkins	Brataas	Kroening	Mehrkens	Taylor
Benson	Diessner	Laidig	Pehler	Waldorf
Brandl	Johnson, D.E.			

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference

Committee on:

S.F. No. 412: Messrs. Luther, Stumpf and Laidig.

S.F. No. 203: Messrs. Freeman, Luther and Anderson.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDER

H.F. No. 2041: A bill for an act relating to agriculture; limiting ownership of agricultural land by certain corporations and limited partnerships; amending Minnesota Statutes 1986, section 500.24, subdivision 3; Minnesota Statutes 1987 Supplement, section 500.24, subdivision 2.

Mr. Davis moved to amend H.F. No. 2041, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1996.)

Page 3, line 28, after the first "the" insert "*land assets of the*"

The motion prevailed. So the amendment was adopted.

Mr. Davis then moved to amend H.F. No. 2041, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1996.)

Page 2, line 22, delete "and"

Page 2, line 23, delete "it" and insert "*the authorized farm corporation*"

Page 2, line 26, before the period, insert "; and

*(7) a shareholder of the authorized farm corporation is not a shareholder in other authorized farm corporations that directly or indirectly in combination with the authorized farm corporation own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state"*

Page 3, line 29, after "farming" insert "*not more than 1,500 acres as a general partner in an authorized limited partnership*"

Page 3, line 32, delete "and"

Page 3, line 33, delete "it" and insert "*the authorized farm partnership*"

Page 3, line 36, before the period, insert "; and

*(8) a limited partner of the authorized farm partnership is not a limited partner in other authorized farm partnerships that directly or indirectly in combination with the authorized farm partnership own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state"*

The motion prevailed. So the amendment was adopted.

Mr. DeCramer moved to amend H.F. No. 2041, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1996.)

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1986, section 40.43, is amended by adding a subdivision to read:

*Subd. 8. [CORRECTION OF CONSERVATION EASEMENT BOUNDARY LINES.] To correct errors in legal descriptions for easements obtained that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, with the approval of the attorney general, convey, without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Storm questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the DeCramer amendment. The motion prevailed. So the amendment was adopted.

Mr. DeCramer then moved to amend H.F. No. 2041, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1996.)

Page 8, line 31, delete the semicolon

Page 8, delete lines 32 to 36

Page 9, lines 1 to 3, delete the new language

### CALL OF THE SENATE

Mr. DeCramer imposed a call of the Senate for the balance of the proceedings on H.F. No. 2041. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment of Mr. DeCramer. The motion prevailed. So the amendment was adopted.

Mr. Frederickson, D.R. moved to amend H.F. No. 2041, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1996.)

*Page 7, line 7, before the semicolon, insert ". Notwithstanding the five-year divestiture requirement under this paragraph, a financial institution may continue to own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must divest of the agricultural land within the ten-year period"*

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend H.F. No. 2041, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1996.)

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 40.43, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE LAND.] (a) Land may be placed in the conservation reserve program if the land:

(1) is marginal agricultural land, or is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description, or consists of a drained wetland, or is land that with a windbreak would be beneficial to resource protection, *or is land consisting of a susceptible groundwater recharge area*. Cropland adjacent to the restored wetland may also be enrolled to the extent of up to four acres of cropland for each acre of wetland restored;

(2) was owned by the landowner on January 1, 1985, or was owned by the landowner, or a parent or other blood relative of the landowner, for at least three years before the date of application;

(3) is at least five acres in size, except for a windbreak, or is a whole field as defined by the United States Agricultural Stabilization and Conservation Services;

(4) is not set aside, enrolled or diverted under another federal or state government program; and

(5) was in agricultural crop production for at least two years during the period 1981 to 1985.

(b) The enrolled land of a landowner may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land the amount that may be enrolled in the conservation reserve is:

(a) (1) all agricultural land owned, if 20 acres or less; or

(b) (2) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the balance of the agricultural land.

(c) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 40.41.

Sec. 2. Minnesota Statutes 1986, section 40.43, is amended by adding a subdivision to read:

Subd. 2a. [SUSCEPTIBLE GROUNDWATER RECHARGE AREA DESIGNATION.] *The commissioner of natural resources, in cooperation with the board of water and soil resources, the director of the Minnesota geological survey, and the commissioner of the pollution control agency, shall develop criteria for identifying susceptible groundwater recharge areas by December 31, 1988, and provide maps identifying susceptible recharge areas to the board for use in administration of the pilot conservation reserve program for protecting susceptible groundwater recharge areas.*

Sec. 3. Minnesota Statutes 1986, section 40.42, is amended by adding a subdivision to read:

Subd. 4a. [SUSCEPTIBLE GROUNDWATER RECHARGE AREA.] *"Susceptible groundwater recharge area" means an area of land with*

*unique hydrogeological characteristics that make the area highly susceptible to groundwater contamination from land use practices.*

**Sec. 4. [40.435] [LIABILITY AFTER PROTECTION OF SUSCEPTIBLE GROUNDWATER RECHARGE AREA.]**

*A landowner is not liable for contamination of groundwater through a susceptible groundwater recharge area occurring after a project is implemented if:*

*(1) the soil and water conservation district adopts a plan protecting the groundwater recharge area;*

*(2) projects or practices are implemented according to the plan and certified as being implemented by the district;*

*(3) unlawful practices are not allowed by the landowner on the property subject to the plan; and*

*(4) after implementation the project and practices are maintained according to the plan.*

**Sec. 5. [105E.50] [GROUNDWATER DEGRADATION POLICY.]**

*It is the policy of the state that the state, a state agency, or a person may not allow degradation of groundwater in the state.*

**Sec. 6. [105E.51] [IDENTIFICATION OF WELLS ON STATE PROPERTY.]**

*Subdivision 1. [PLAN AND APPROPRIATION REQUEST FOR WELL SEALING.] In each budget year of a biennium, the commissioner must present a plan and an appropriation request to properly seal wells on state property.*

*Subd. 2. [PROHIBITION ON STATE LAND PURCHASES WITHOUT WELL IDENTIFICATION.] The state may not purchase or sell real property or an interest in real property without identifying the location of all wells in use and not in use on the property and making provisions to have the unused wells properly sealed at the cost of the seller as part of the contract and deed for sale. A transfer of land is void if this subdivision is not complied with.*

**Sec. 7. [BOARD OF WATER AND SOIL RESOURCES.]**

*\$97,100 is appropriated from the general fund to the board of water and soil resources to be available until June 30, 1989, for the pilot project for conservation easements on susceptible groundwater recharge areas."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Storm questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 2041 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 7, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.E.	Merriam	Schmitz
Anderson	Decker	Jude	Morse	Solon
Beckman	DeCramer	Kroening	Novak	Stumpf
Benson	Dicklich	Laidig	Pehler	Vickerman
Berglin	Diessner	Langseth	Piper	Waldorf
Bernhagen	Frank	Lantry	Pogemiller	Wegscheid
Bertram	Frederick	Larson	Purfeerst	
Chmielewski	Frederickson, D.J.	Luther	Ramstad	
Cohen	Frederickson, D.R.	Marty	Reichgott	
Dahl	Hughes	McQuaid	Renneke	

Those who voted in the negative were:

Belanger	Brandl	Gustafson	Storm	Taylor
Berg	Brataas			

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

### SPECIAL ORDER

S.F. No. 1093: A bill for an act relating to employees; providing for a wage protection program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 181.

### CALL OF THE SENATE

Mr. Chmielewski imposed a call of the Senate for the balance of the proceedings on S.F. No. 1093. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 1093 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Metzen	Pogemiller
Beckman	DeCramer	Kroening	Moe, R.D.	Reichgott
Berglin	Dicklich	Lantry	Morse	Schmitz
Brandl	Diessner	Lessard	Novak	Stumpf
Chmielewski	Frank	Luther	Pehler	Vickerman
Cohen	Frederickson, D.J.	Marty	Peterson, R.W.	Waldorf
Dahl	Hughes	Merriam	Piper	Wegscheid

Those who voted in the negative were:

Benson	Brataas	Gustafson	McQuaid	Storm
Berg	Decker	Johnson, D.E.	Olson	Taylor
Bernhagen	Frederick	Laidig	Ramstad	
Bertram	Frederickson, D.R.	Larson	Renneke	

So the bill passed and its title was agreed to.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on H.F. No. 2126 at 5:00 p.m.:

Mses. Berglin, Piper, Messrs. Freeman, Knutson and Samuelson. The motion prevailed.

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Freeman moved that the following members be excused for a Conference Committee on S.F. No. 203 at 7:00 p.m.:

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

**MEMBERS EXCUSED**

Mr. Johnson, D.J. was excused from the Session of today at 1:00 p.m. Ms. Berglin was excused from the Session of today from 1:00 to 3:00 p.m. Ms. Peterson, D.C. was excused from the Session of today from 1:30 to 3:00 p.m. Ms. Olson was excused from the Session of today from 1:00 to 3:15 p.m. Mr. Lessard was excused from the Session of today from 1:30 to 3:00 p.m. Mr. Gustafson was excused from the Session of today from 1:30 to 3:30 p.m. Ms. Reichgott, Messrs. Knaak, Laidig and Marty were excused from the Session of today from 3:45 to 5:00 p.m. Mr. Novak was excused from the Session of today from 3:00 to 6:00 p.m. Mr. Knaak was excused from the Session of today at 6:00 p.m. Mr. Mehrkens was excused from the Session of today at 6:30 p.m. Mr. Spear was excused from the Session of today at 7:00 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Friday, April 15, 1988. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate